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CHAPTER 11 ZONING

ARTICLE 11.01 GENERAL PROVISIONS

Division 11.01.01 Title, Purposes, and Application

Sec. 11.01.01.01 Title

The Cedar Park Zoning Ordinance shall be known as, and may be referred to as "the Cedar Park Zoning Ordinance", "this Ordinance", or "this Chapter."

Sec. 11.01.01.02 Purpose

The zoning regulations are adopted in accordance with Texas Local Government Code (TLGC), Chapter 211, *Municipal Zoning Authority*.

Sec. 11.01.01.03 Application

The regulations of this Ordinance are adopted and shall be enforced pursuant to TLGC, Chapter 211, *Municipal Zoning Authority*. All of the following are subject to the applicable requirements of this Ordinance, and may require one (1) or more development permits:

- A. The use of any building, structure, land, or water, including:
 - 1. New uses; and
 - 2. Continuations, structural alterations or enlargements of, additions to, changes in, and relocation of existing uses (which may be subject to Article 11.07, *Nonconformities*).
- B. The construction, material alteration, repair, relocation, or demolition of buildings or structures.

Division 11.01.02 Jurisdiction and Compliance

Sec. 11.01.02.01 Jurisdiction

All provisions of this Ordinance apply within the corporate limits of the City, as now and hereafter amended.

Sec. 11.01.02.02 Compliance Required

All land, buildings, structures, or appurtenance located within the City, which are occupied, used, erected, altered, or removed, shall be in conformance with the zoning regulations prescribed for the zoning district in which such land, building, structure, or appurtenance is located as provided in this Ordinance.

Sec. 11.01.02.03 State and Federal Law

Unless indicated otherwise, all references to federal, state, and local law shall mean the referenced law in force and effect on the effective date of this Chapter and as thereafter amended, and shall include, without limitation, all applicable legal regulations, requirements, orders, ordinances, codes, rules, standards, and guidelines of any nature whatsoever.

ARTICLE 11.02 ZONING DISTRICTS AND LAND USES

Division 11.02.01 Zoning Districts

Sec. 11.02.01.01 Purpose and Applicability

Article 11.02, *Zoning Districts and Land Uses*:

- A. Establishes zoning districts, which provide development standards for each district and are shown on the Official Zoning Map, Section 11.02.01.03, *Official Zoning Map*;
- B. Defines and regulates land uses as either permanent or temporary; and
- C. Defines and regulates each land use as a Permitted Use, Conditional Use, Special Use, or Prohibited Use within one (1) or more districts as defined in Section 11.02.03.02, *Legend*.

Sec. 11.02.01.02 Zoning Districts

- A. **District Classification.** The zoning districts are categorized into 23 different zoning district classifications, which are stated below and described in Table 11.02.01.02, *Zoning District Transitions and Purposes*. The classifications include:
 - 1. *Interim District*:
 - a. Development Reserve (DR).
 - 2. *Residential Districts*.
 - a. Estate Residential (ES);
 - b. Suburban Residential (SR);
 - c. Semi-Urban Residential (SU);
 - d. Urban Residential (UR); and
 - e. Multifamily Residential (MF).
 - 3. *Nonresidential Districts*.
 - a. Neighborhood Business (NB);
 - b. Local Business (LB);
 - c. General Business (GB);
 - d. Professional Office (PO);
 - e. Heavy Commercial (HC);
 - f. Light Industrial (LI);
 - g. Heavy Industrial (HI);
 - h. Hospital (H);
 - i. Public Services (PS);

- j. Open Space Greenbelt (OG); and
 - k. Open Space Recreation (OR).
4. *Mixed Use Districts.*
- a. Mixed Use (MU);
 - b. Town Center (TC); and
 - c. Planning Area (PA).
5. *Overlay and Special Districts.*
- a. Conditional Overlay (CO);
 - b. Entertainment Center (EC); and
 - c. Planned Development (PD).

B. **Equivalency Table.** Table 11.02.01.02, *Zoning District Transitions and Purposes*, identifies each of the zoning districts, along with the equivalent district of the previously adopted zoning ordinance, and a description of the intended purposes of each district.

Table 11.02.01.02 Zoning District Transitions and Purposes		
District		The purpose of the district is to provide for:
Name	Transition From	
Interim District		
Development Reserve (DR)	DR	Large tracts of undeveloped land generally that may be used for agricultural uses and/or individual home sites at a very low density. This district may be assigned to land that is annexed into the City prior to its designation of permanent zoning in accordance with the Future Land Use Plan. Land previously zoned Rural Agricultural "RA" is now zoned Development Reserve (DR).
	RA	
Residential Districts		
Estate Residential (ES)	ES	Estate lots for larger single family detached dwellings.
Suburban Residential (SR)	SF	Larger sized lots for single family detached dwellings. Land previously zoned Large Lot Single Family "SF", Large Suburban Lot Single Family "SF-1" and Manufactured Home "MH" is now zoned Suburban Residential "SR".
	MH	
	SF-1	
Semi-Urban Residential (SU)	SF-2	Single-family detached dwellings intended to be located on small undeveloped and infill tracts. Land previously zoned Large Urban Single Family "SF-2" and Urban Lot Single Family "SF-3" is now zoned Semi-Urban Residential "SU".
	SF-3	
Urban Residential (UR)	TH	Medium density residential attached (townhome) dwellings on individual lots in a compact neighborhood environment or as a condominium development. Land previously zoned Duplex Residential "DP", Town Home Residential "TH", and Condominium Residential "CD" is now zoned Urban Residential "UR".
	DP	
	CD	
Multifamily Residential (MF)	MF	Multifamily tracts that are zoned MF as of the effective date of this Ordinance. These tracts are reflected on the zoning map as "MF." No new MF zoning will be permitted after the effective date of this ordinance.

Nonresidential Districts		
Neighborhood Business (NB)	TO	Smaller-scale, low-intensity neighborhood convenience retail and professional office and service uses, with building and site design standards that are compatible and cohesive with abutting and adjacent residential uses. The district is intended for use as a transition between the residential and nonresidential districts, or in locations that are suitable for such uses by way of its location, proximity, property size, access to collector or arterial roads, or other special circumstances. Land previously zoned Transitional Office "TO", and Transitional Commercial "TC" is now zoned Neighborhood Business (NB).
	TC	
Local Business (LB)	LR	Office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a NB District and generally serve a more local market than uses found in the GB District.
General Business (GB)	GR	Moderate and large retail centers, big-box stores, and malls that serve the retail and service needs of the community and broader region. This district includes site and building design and architectural standards to ensure quality, sustainable development.
Professional Office (PO)	GO	Office, research, and technology parks with enhanced site and building standards to create a high quality, campus-like local and regional employment center. This district may also provide for some more intensive commercial and light industrial uses provided their operations are conducted indoors and on-site storage and truck traffic is limited. Land previously zoned General Office "GO" and Business "BD" is now zoned Professional Office "PO".
	BD	
Heavy Commercial (HC)	CS	Larger-scale, higher intensity business, commercial, and industrial-related uses that are to meet the consumer and employment needs of the community and broader region. Land previously zoned Commercial Service "CS" and Heavy Commercial "HC" is now zoned Heavy Commercial "HC".
	HC	
Light Industrial (LI)	LI	Smaller-scale, limited intensity industrial warehouse and assembly or light manufacturing uses where the operations of the use are conducted indoors and where outdoor storage and display is limited or adequately screened from adjacent streets, uses, and public views. Land previously zoned Light Industrial "LI" and General Industrial "GI" is now zoned Light Industrial "LI".
	GI	
Heavy Industrial (HI)	HI	The most intense land uses allowed within the City, which may include heavy manufacturing and operational activities. This district is designed for locations that provide adequate access for trucks and heavy equipment and do not impose environmental impacts on adjacent uses.
Hospital (H)	H	All types of medical institutions, together with facilities for allied health services in an area or complex that is designed to accommodate tall and high intensity buildings and uses with adequate provision for high volumes of traffic and emergency access.
Public Services (PS)	PS	Public, semi-public, and institutional land uses that are unique in nature and scale and thus, most appropriate in their own district.
Open Space Greenbelt (OG)	OSG	Greenbelts and passive parklands that incorporate open space planning into the assignment of land use designations, and develop and implement a system of "greenway" parks that link home, retail, employment centers, parks, and nature preserves.
Open Space Recreation (OR)	OSR	A system of active parklands and recreational opportunities throughout the community that respond to the broad variety of recreational needs of different age groups and interests of people residing in all areas of the City.
Mixed Use Districts		
Mixed Use (MU)	MU	A mixture of high density residential, commercial, and public or institutional uses and civic spaces in a compact, urban form. The MU district may include multifamily units as upper floor dwellings in a vertically mixed use building or horizontally as a complex within the urban context. This district is principally intended for use on infill parcels and for the redevelopment and revitalization of corridors, although it may also be conditionally approved for use in other appropriate areas of the City.
Town Center (TC)	DD	The Town Center Code and the Regulating Plan, as stated in Division 11.02.02, Town Center Code .
Planning Area (PA)	--	A zoning district that is consistent with the "Planning Areas" designated in the Comprehensive Plan, which includes the following development types: Entertainment District, Educational Campus, Walkable Mixed Use, and Business Park.

Special and Overlay Districts		
Conditional Overlay (CO)	CO	An overlay of supplemental standards to those of the underlying base districts to address the unique conditions or circumstances of a property.
Entertainment Center (EC)	ECO	An overlay of supplemental standards to those of the underlying base districts to address high-intensive and large-scale entertainment uses and venues and their related indoor or outdoor facilities, access and parking requirements, and levels of impact on surrounding districts and uses and the City at-large. The land uses in this district stated in Division 11.02.03, Land Uses .
Planned Development (PD)	PD	The PD district is principally intended for development areas where it may be considered warranted due the to the scale of development, the mixture of land uses, site constraints, unique design considerations, and needed site flexibility.

Sec. 11.02.01.03 Official Zoning Map

- A. **Generally.** Zoning districts are shown on the map entitled "Official Zoning Map" of the City of Cedar Park, Texas. An official copy of the Zoning Map is on file and available for inspection during regular business hours at the Department of Development Services, Cedar Park City Hall Complex, 450 Cypress Creek Road, Building One.
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this Code and shall have the same force and effect as the text of this Code, as certified and maintained by the Administrator.

Sec. 11.02.01.04 Assignment of Zoning

- A. **Temporary Zoning.** Any territory annexed into to the City and brought within its corporate limits shall automatically be zoned Development Reserve (DR).
- B. **Permanent Zoning.**
1. *Initiation.* The Administrator, the Planning and Zoning Commission, the City Council, or the property owner may initiate a request to permanently zone the property.
 2. *Assignment.* The assignment of zoning shall be pursuant to Sec. 11.01.01.02, Purpose, and Sec. [11.01.02.02, Compliance Required](#).
 3. *Procedures.* The procedures governing and applicable to the zoning process are stated in Sec. [11.06.03.02, Public Hearing Approvals](#).

Division 11.02.02 Town Center Code

Sec. 11.02.02.01 Purposes

The purposes of the Town Center (TC) District are to:

- Protect, preserve, improve, and provide for public health, safety, and general welfare of the present and future citizens of the City along with the owners and future residents;
- Establish a framework of zoning guidelines and criteria;
- Allow for mixed-use development, which incorporates compatible residential and commercial uses;
- Allow for greater design flexibility than what is permitted within the other City zoning districts;
- Fulfill goals stated in the City Comprehensive Plan;
- Create development superior to that which would occur using conventional zoning and subdivision regulations;
- Ensure the safe, orderly, and healthful development and expansion of the City, in accordance with and pursuant to this Division of Chapter 11, *Zoning*;

- Conserve and utilize natural resources, appropriately and consistently with the public interest and to enhance the preservation of the natural environment;
- Encourage mixed-use, compact development that facilitates the efficient use of services, and thereby encourage high quality development and innovative design;
- Provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
- Allow for flexible planning and development of mixed uses; and
- Promote compatible and different levels of residential and commercial uses.

Sec. 11.02.02.02 Applicability

A. Generally.

1. The requirements of this Division, inclusive of the Regulating Plan, are intended and shall apply to the property, as more particularly described in the Regulating Plan.
2. The Town Center District is a zoning district that is created in the same manner as other zoning districts.

B. Regulating Plan. The Regulating Plan integrates a mixture of open space, residential, commercial and public uses. Public spaces form a primary structure and character of the neighborhoods. Streetscapes accommodate both vehicles and the pedestrian by encouraging a walking environment and providing opportunities for social exchange. Civic buildings are given visual positions of importance in the community. The Regulating Plan is designed to encourage the integration of varying housing types that offer residential opportunities for a variety of incomes and age groups.

C. Community Vision. The Town Center Code establishes in this Division (which includes the Regulating Plan) the specifications and regulations that are intended to achieve the desired community vision.

D. Adoption. Through the previous adoption of the Town Center, the City Council provided for the implementation of the zoning and site development regulations for the district. Provided, however, unless otherwise expressly stated in this Division, the Regulating Plan, or the CPTC Development Agreement, the property shall comply with all applicable provisions of the Code of Ordinances.

E. Development Areas. The property is divided into four (4) development areas:

1. *Mixed Residential Area;*
2. *Town Center Area 1;*
3. *Town Center Area 2; and*
4. *Neighborhood Commercial Area.*

F. Civic Uses. Civic uses will be incorporated within both the Mixed Residential Area and the Town Center Area 1.

G. Land Use and Site Development Regulations. In addition to district-wide regulations, each type of area has specific land use and site development regulations. All development areas shall incorporate open space uses, which may be either public or private in nature. The development areas and land uses are reflected on the Regulating Plan.

Sec. 11.02.02.03 Land Use

A. Prohibited Uses in the Downtown District. The following uses are prohibited on any portion of property where the Town Center (TC) is applicable regardless of the designation of the development area or adopted development standards:

1. Motor vehicle sales, service, fueling, storage, repair, parts and accessory sales and automotive and machinery repair or painting, except that motor vehicle fueling is permitted in the Neighborhood Commercial Area;
2. Wrecking and salvage yards;

3. Sexually oriented businesses;
4. Flea markets, but not excluding temporary or permanent outdoor markets approved by the City for such use.
5. Public storage, commercial warehouses, office warehouses, and mini-warehouses;
6. Pawn shops;
7. Portable building sales or lease;
8. Recreational vehicle parks;
9. Outdoor shooting ranges;
10. Automobile, boat, recreational vehicle, trailer, heavy equipment, and other motorized vehicle sales or lease;
11. Kennels, except as provided herein for development within the Neighborhood Commercial Area;
12. Industrial uses, except those permitted in the Professional Office (PO) District
13. Funeral homes and mortuaries;
14. Drive through commercial uses; except as provided for herein for development within the Neighborhood Commercial Area;
15. Any uses involved with hazardous materials;
16. Self-service laundry facilities, except as provided as an accessory use to a residential lodging use;
17. Car washes, except that car washes are permitted within the Neighborhood Commercial Area;
18. Motels;
19. Portable building sales; and
20. Private pitch and putt, golf courses, and driving ranges.

B. **Town Center Area 1 and Neighborhood Commercial Prohibited Land Uses.** Along with the prohibited uses listed above, Single Family Detached Residential is also prohibited in both the Town Center Area 1 and Neighborhood Commercial Areas.

Sec. 11.02.02.04 General Standards

A. **Utilities.**

1. Utilities shall be located underground with the exception of existing electrical transmission lines and temporary overhead lines installed for temporary construction site offices.
2. "Dry utilities" (e.g., gas, electric, telephone and fiber optic utilities) shall be located within an alley, if any and if practical.
3. Overhead service to individual lots shall not be permitted.
4. All water, wastewater and drainage utilities shall be located in the front public right-of-way or, if deemed necessary, a public utility easement and/or drainage easement.
5. Common trenches are allowed if:
 - a. Safe separation distances are maintained; and
 - b. Approved by the Director of Public Works.

B. Lot Standards.

1. Each Lot in a subdivision, except a Lot that fronts on a Green and abuts a street, shall abut both a dedicated public street and an Alley. Lots that front on a Green shall abut a publicly dedicated street in the rear of the Lot.
2. Assigned address numbers shall be permanently affixed to all structures in such positions as to be plainly visible and legible from the street and/or private interior drive and from the alley for all structures located adjacent to said alley.

C. Street Standards.

1. *Intent.* The district street system shall:
 - a. Consist of a pattern of blocks with a hierarchy of streets, alleys, greens, and landscaped rights-of-way accommodating automobiles, public transit, bicycles, and pedestrians;
 - b. Form an interconnected system of streets;
 - c. Provide opportunities for the public to walk, bicycle, and drive within the district while minimizing conflict between modes of transportation.
 - d. Promote an orderly, visually pleasing and active street environment for residents, workers, and visitors; and
 - e. Accommodate the automobile, but not at the expense of the pedestrian.
2. *Pedestrian, Bicycle, and Transit Principles.*
 - a. The district shall provide multiple direct connections to and between local activity centers such as parks, schools, recreation centers and neighborhood services;
 - b. Pedestrian and bicycle paths should be integrated in the proposed network;
 - c. Possible future transit service may also be considered within the proposed network; and
 - d. The pedestrian network shall:
 1. Minimize walking distances;
 2. Provide safe and convenient crossings at street intersections; and
 3. Provide a streetscape environment that is conducive to pedestrian activity.
3. *Street Classifications and Description of Characteristics.* Streets are classified according to their functions and character. The four (4) major street classifications for district roadways are:
 - a. Parkway/Boulevard. Parkways and Boulevards are streets that have separated travel lanes. Parkways and Boulevards include a landscaped area between the street sections with Parkways typically having a wider section than Boulevards.
 - b. Main Street/Collector Street. Main Streets and Collector Streets provide mobility between areas of the District. Main Streets and Collector Streets in residential areas should be designed to insure a calm, safe street that enhances the livability and preserves the character of neighborhoods. Main Streets have a more urban character while Collector Streets have a more residential character.
 - c. Local Street. A Local Street provides access within a neighborhood. Local Streets form the framework and compose the majority of streets within the District and shape the identity and character of a neighborhood.
 - d. Alley. An Alley is a passageway that provides access to the rear or side of property. Alleys are intended for use at very low vehicular speeds and provide alternative locations for garbage collection and dry utilities.
4. *Alley Regulations.*
 - a. Design. Alleys may be designed with an inverted crown.

- b. Intersecting Alleys or Utility Easements. Where two (2) alleys intersect or turn at a right angle, a sight triangle of not less than 10 feet measured from the point of intersection of the property or easement line, shall be provided along each property or easement line where practical.
 - c. Dead-end alleys. Dead-end alleys shall not extend more than 150 feet without a turnaround. Dead-end alleys longer than 300 feet shall be approved by the Administrator.
 - d. Private alleys.
 - 1. The Property Owners Association (POA) shall maintain all alleys unless otherwise approved by the City.
 - 2. All alleys shall be designated as private alleys; and
 - e. Parking. Parking in alleys is prohibited except as approved by the Administrator.
 - f. Alleys shall be utilized for utility easements in addition to property access, wherever feasible. In the case of a lot that abuts a green and does not have a fronting street, a water and wastewater easement shall be dedicated within the alley.
 - g. Alleys shall be shown on all plats for this district.
 - h. On-street parking shall be striped as indicated in the street classification figures (Figures 1-17) stated at the end of this Section unless otherwise approved by the Administrator.
5. *Private Streets.*
- a. All streets shall be dedicated to public use unless they are designated as private.
 - b. Private streets shall:
 - 1. Be labeled on subdivision plats;
 - 2. Be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors;
 - 3. Be conveyed to and maintained by the Property Owners Association (POA); and
 - 4. Adhere to the regulations for private streets stated by the Code of Ordinances.
6. *Dead-End Streets.* Dead-end streets are prohibited within the district except as short stubs to permit future expansion.
7. *Cul-de-Sacs.* The use of cul-de-sacs is prohibited within the district.
8. *Median Design at Intersections.* End treatment of medians at intersections shall accommodate:
- a. A pedestrian crosswalk;
 - b. Curb radii as shown on Figures 1-17;
 - c. A cross aisle width roughly equivalent to the width of cross streets; and
 - d. A vehicle turning at a reasonably slow rate of speed, wherever feasible.
9. *Roundabouts.* Roundabouts are circular intersections that can be an effective intersection type with lower speeds, and easier decision-making than conventional intersections, requiring less maintenance. For a Roundabout to work properly it shall be designed for restricted speeds. The most significant feature that will restrict the speed is adequate deflection. Entry and exit radii and the size of the central island control vehicle deflection. Minimum standards shall be those of an Urban Single-lane Roundabout. Particular note should be given to the following:
- a. For all intersections occurring at the corner of a local and collector street, roundabouts shall be designed for bus movement.
 - b. For all intersections occurring at the corner of a collector and parkway street, roundabouts shall be designed to allow WB-50 movement.
 - c. Driveways within the roundabout or within 50 feet of the inscribed circle shall not be allowed.

- d. Roundabouts shall have a mountable curb on the inside radius.
 - e. Appropriate roundabout signage shall be provided.
 - f. Raised splitter islands shall be used to preclude left turn movements prior to the roundabout.
 - g. Any vegetation in the island shall be designed in compliance with the City of Austin Transportation Criteria Manual.
 - h. No parking shall be allowed within:
 - 1. a roundabout;
 - 2. 20 feet on all approach roadways; and
 - 3. 20 feet past the end of the splitter island.
 - i. The design of roundabouts shall require approval of the Administrator.
10. *Traffic Calming Measures.* The use of traffic calming measures shall require the approval of the Administrator and may include, but are not limited to, gateways, roundabouts, neckdowns, chicanes, throttles and protected on-street parking.
11. *Sidewalks.*
- a. Each Area of the District shall provide pedestrian connectivity throughout the District by providing an interconnected system of sidewalks on both sides of all streets with the exception of the:
 - 1. SS-36 Side Street;
 - 2. PL-28 Public Lane; and
 - 3. PL-30 Public Lane.
 - b. The PL-30 Public Lane shall include a sidewalk with a width of 10 feet on one (1) side.
 - c. Off-Street pathways shall be required where necessary to complete connectivity gaps.
 - d. All streets shall provide sidewalks in accordance with Figures 1-17.
 - e. Sidewalk assignments may be varied in order to save trees.
 - f. Sidewalks may be located outside the street right-of-way provided they are located in a public use easement shown on the plat.
 - g. Alternative surface materials, such as decomposed granite gravel, may be substituted for concrete sidewalks with the approval of the Administrator on the condition that this sidewalk serves as a portion of a trail system for District use and is deemed more desirable.
12. *Curb Ramps.*
- a. The preferred alignment for curb ramps is perpendicular to both traffic and the curb.
 - b. Curb ramps shall be located so that they
 - 1. are not obstructed by parked vehicles; and
 - 2. shall not intrude into vehicular traffic lanes.
13. *On-street Parking.* Vehicles that are parked parallel on streets are required to be parked adjacent to the curb no further than one (1) foot from the face or curb.

Table 11.02.02.04: Street Standards Summary

		Row	Pavement Width	# of Lanes	Travel Land Width (FC-FC)	Traffic Direction	Parking	Design Speed	Curb Radius	Street Trees
Parkways/Boulevards										
Pkw-200 (Figure 1)	Parkway	Varies	2 @ 20'	2	12'	2 Way	Parallel-one side per direction	30 mph	15'	Typical 40' OC
BVD-92 (Figure 2)	Boulevard	92'	2 @ 20'	2	12'	2 Way	Parallel-one side per direction	30 mph	15'	Typical 40' OC
MS-172 (Figure 6)	Main Street Boulevard	172'	2 @ 22	1	22'	2 Way	Angled	25 mph	20'	Typical 60' OC
Main Streets/Collectors										
MS-66 (Figure 8)	2-Lane Main Street	66'	60'	2	12'	2 Way	Angled	25 mph	20'	Typical 40'–60' OC
US-54 (Figure 9)	Urban Street w/angled parking	54'	48'	2	11'	2 Way	Angled-Side 1 Parallel-Side 2	25 mph	15'	Typical 40' OC
US-48 (Figure 10)	Urban Street w/parallel parking	48'	40'	2	12'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
RC-58 (Figure 11)	Residential Collector	58'	36'	2	10'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
Local Streets										
RS-50 (Figure 12)	Residential Street	50'	28'	1-2	10'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
RS-46 (Figure 13)	Residential Lane	46'	28'	1-2	10'	2 Way	Parallel	25 mph	15'	Typical 40' OC
SS-36 (Figure 14)	Side Street	36'	26'	1-2	10'	2 Way	Parallel	25 mph	15'	Typical 40' OC
PL-28 (Figure 15)	1-Way Public Lane	24'	16'	2	10'	1 Way	None	15 mph	15'	Not required
PL-30 (Figure 16)	2-Way Public Way	30'	22'	2	14'	2 Way	Parallel One side	15 mph	15'	Typical 40' OC
Alleys										
AL-24 (Figure 17)	1-Way Alley	20'	14'	2	8'	1 Way	None	15 mph	15' MRA	Not required

D. Open Space Standards.

1. Intent. Open Space

- a. is a significant element of the Town Center District.
- b. shall serve as areas of community and neighborhood gathering
- c. should be distributed throughout the Town Center and be arranged in a hierarchy of small, intimate open spaces to large, multi-functional areas.
- d. should address the recreational needs of the residents.
- e. shall be designed to:
 - 1. provide places and opportunities for interaction within the community;
 - 2. serve as landmarks and organizing elements; and
 - 3. provide visual, aesthetic, and environmental amenities.

2. Permitted Uses. The following uses shall be permitted within Open Space areas:

- a. Natural areas;
- b. Conservation areas;
- c. Outdoor recreational / athletic facilities;
- d. Outdoor swimming pools;
- e. Parks and related amenities;
- f. Streams, lakes, impounded waterways, or their drainage ways;
- g. Clubhouses, recreation centers and community centers;
- h. Pedestrian and bicycle trails and pathways;
- i. Plazas, greens, playgrounds; and
- j. Transit stops and off-street parking areas.

3. Site Development Regulations. The following site development regulations shall apply to Open Spaces uses within the District:

- a. Maximum Lot Size.
 - 1. The minimum lot size within a Public Open Space area shall be 3,500 square feet, except for landscaped lots in the right-of-way, which may be smaller.
 - 2. There is no minimum lot size within a Private Open Space area.
- b. Maximum Height. Exclusive of appurtenances, no buildings within an open space shall exceed the following maximum building heights:
 - 1. Town Center 1 Area: 60 feet
 - 2. Mixed Residential Area: 35 feet
 - 3. Neighborhood Commercial Area: 35 feet
- c. Minimum Lot Width.
 - 1. The minimum lot width within a Public Open Space area shall be 40 feet.
 - 2. There is no minimum lot width within a Private Open Space area.
- d. Minimum Setbacks.
 - 1. Front yard: 15 feet
 - 2. Side yard: 10 feet
 - 3. Rear yard: 10 feet

- e. **Open Space Distribution.** At least 80 percent of residential lots shall be within 600 feet of an Open Space lot, whether privately or publicly owned.
 - f. **Irrigation.** All irrigation systems within Public Open Space shall be approved by the Director of Parks and Recreation.
4. **Conveyance.** Open Space and structures thereon shall be conveyed, owned, and maintained pursuant to one (1) of the three (3) following options:
- a. Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the Public Open Space and buildings, structures, or improvements which have been placed on it. Not in limitation of any other rights the City may have to impose additional requirements, land within the floodplain that is to be included in any conveyance to the City shall have a grading plan that includes:
 - 1. No concrete lining of water channels;
 - 2. No fencing;
 - 3. Slopes that are easily accessible by pedestrians and compatible with the public improvements; and
 - 4. A channel that utilizes an irregular, natural configuration both in horizontal alignment and cross-section design, which shall be approved by both the Administrator and the Commission.
 - b. Conveyed to and accepted by the City but only on the condition that all responsibility for maintenance is retained by or assumed by a Property Owners Association or other party reasonable acceptable to the City.
 - c. Conveyed to a Property Owners Association or some other party responsible at time of final plat for maintaining common buildings, areas and land within the community. Private Open Space shall be restricted to the uses specified on the final plat and which provide for the maintenance of Private Open Space in a manner which assures its long-term maintenance and for its intended purpose.
5. **Parking Regulations.** Parking for Open Space uses within the District is provided from adjacent On-Street Parking unless, at the developer's option, Off-Street Parking is provided within an Open Space Lot. On-Street Parking maybe credited toward the required parking spaces of the intended use.
6. **Parkland Dedication.**
- a. **Goal.** The goal of Parkland Dedication is to integrate useable Open Space into the fabric of the community.
 - b. **Application.** Land within the District designated as parkland shall comply with the standards set forth in this section and shall be shown on the Regulating Plan as Public Open Space. The land area of Parkland dedication shall be indicated on the Regulating Plan. The Parkland shown on the Regulating Plan adopted concurrently herewith satisfies the dedication requirements with respect to the District (excluding, however, Town Center Area 2). No cash payment or improvements in lieu of parkland dedication shall be permitted. An appropriate park-phasing plan shall be approved with the preliminary plan. Town Center Area 2 must comply with Code with respect to parkland dedication and development.
 - c. **Land Treatment.** No easements or other dedications shall be issued, reserved, granted or made except as agreed by the Director of Parks and Recreation. The Director of Parks and Recreation may allow the developer to dump fill material and take other respective actions specified when, at the discretion of the Director of Parks and Recreation, such action would be beneficial to the Parkland. In all such cases, the developer shall obtain a letter of permission to the developer prior to the action in question.
 - d. **Parkland Dedication Within the Mixed Residential Area.** Parkland located in the Mixed Residential Area shall be a system of connected mini-parks distributed throughout the Area in order to promote use by residents and access by pedestrians and bicyclists within the District.

1. The collection of Parks shall be arranged to preserve existing trees wherever feasible, and be integrated into the neighborhood street system. Open Space within Parkways, Boulevards and Access Streets, which provide linear greenways and pedestrian connectivity throughout the District, may also be considered land for Parkland dedication.
 2. The amount of land required to be dedicated for Parkland shall be indicated on the Regulating Plan and indicated as Public Open Space. The area of the Parkland shall be measured and calculated to the property line of that lot. Parkland shall have a minimum of 50 feet of street frontage. Greens shall be considered land for Parkland dedication.
 3. The minimum lot size dedicated for Parkland is 8,000 square feet. The location and size of utilities stubbed out to Parkland shall be determined at time of final plat by the Director of Public Works. The developer shall have the option of entering into license agreements with the City for Parkland improvements.
 4. Parkland to be dedicated as part of the subdivision plat shall adhere to the approximate size and location of the designations indicated on the Regulating Plan. By adoption of the Town Center, the City approves the Parkland shown on the Regulating Plan and agrees that such Parkland satisfies the Parkland dedications requirements within the Mixed Residential Area. No cash payment or improvements in lieu of parkland dedication shall be permitted. An appropriate park-phasing plan shall be approved with the preliminary plan.
 5. Mail kiosks serving residents living within the Mixed Residential Area may be located within Parkland.
- e. Parkland Dedication Within the Town Center Area. All Parkland Dedication requirements for the Town Center Area 1 and Neighborhood Center Area are satisfied by the Parkland shown on the Regulating Plan.

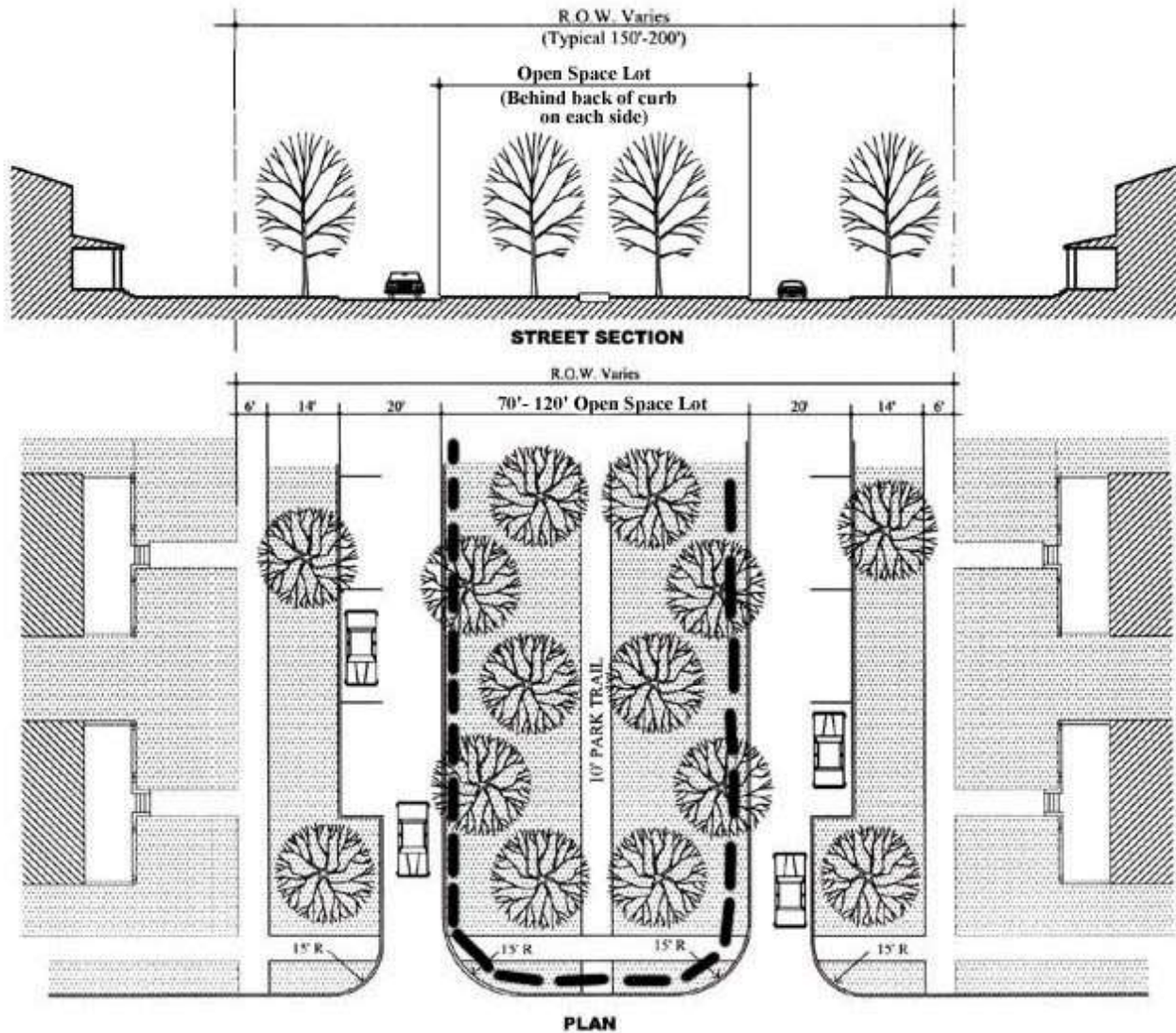
E. Landscape Standards.

1. *Intent.* For the development in this District, each site plan shall be prepared so as to be consistent with and maximize the goals of the Town Center, including but not limited to retaining existing trees.
2. *Application.* Landscape requirements as set forth in the Code of Ordinances shall apply except as provided in this section.
3. *General Requirements.*
 - a. No parking space shall be located farther than 100 feet from a permeable landscaped island, peninsula, or median and a tree except for parking lots that contain more than three (3) parking modules.
 - b. Parking spaces shall be located evenly through the parking areas, however the locations of landscaped islands, peninsulas and medians may be adjusted to accommodate existing trees or other natural features.
 - c. Existing Tree Locations. If protected trees are encountered in tree surveys, the Administrator may approve layout modifications of streets and walks.
 - d. Not Required for this District. Street yard and transitional buffering (buffer yards).
4. *Loading Zone Areas.* Off-street loading zones shall be designed:
 - a. To be buffered from street view and from adjacent properties as much as possible; or
 - b. So as not to detract from the character of the streetscape by using design elements that are consistent or compatible with the surrounding development.
5. *Street Trees.*
 - a. Location. Street trees shall be installed in planting strips along streets.

- b. **Planting Plan.** The Administrator shall approve a street tree-planting plan for planting strips and traffic islands for each phase of development of the district.
 - c. **Size.** Street trees shall be a minimum of four-inch caliper ball and burlap or its equivalent 24-inch box or 65-gallon container.
6. *Planting Criteria.*
- a. Street trees shall be planted:
 - 1. To avoid interference with streetlights, signage, and other fixtures;
 - 2. At least 4 feet from the edge of driveways;
 - 3. At least 4 feet from underground utilities;
 - 4. At least 20 feet from overhead lines;
 - 5. At least 5 feet from hydrants.
 - 6. A minimum of 3 feet from the back of the curb.
 - b. Street trees shall be kept out of:
 - 1. Intersection triangles at a minimum of 25 feet by 25 feet from the face of the curb; and
 - 2. Alley/street intersection triangles at a minimum of 15 feet by 15 feet, as measured from the edge of the pavement.
 - c. Street trees within the Mixed Residential Area shall be:
 - 1. Located in the planting strip between a public sidewalk and a curb; and
 - 2. Planted on an average of every 40 feet, taking into consideration planting criteria and coordination with existing trees.
 - d. Street trees within the Town Center Area 1 shall be:
 - 1. Located between the public sidewalk and the edge of the curb of a driving lane; and
 - 2. Planted on an average of 40 to 60 feet, taking into consideration planting criteria and coordination with existing trees.
7. *Traffic Islands.* Planting plans showing planted street medians (traffic islands) shall be approved by the Administrator
8. *Mix of Species.* The specified mix of trees shall require approval of the City Urban Forester.
9. *Fencing and Gates.*
- a. The maximum height of an Open Style Fence in a street yard shall be 36 inches. Open Style Fences shall not exceed five (5) feet in height. Masonry columns are permitted as part of all Open Style Fences.
 - b. Fences that abut Parks and Greens shall be Open Style Fences except as provided in subsection (10) below.
 - c. Where an Alley is provided adjacent to Lots in the Mixed Residential Area and such Lots have fences adjacent to the Alley, gates shall be provided from the rear or side yard to the Alley of such Lots.
10. *Fencing and Landscaping Along Railroad Track and 183A Toll Road.*
- a. Fencing:
 - 1. Shall be constructed along the property line of the District that abuts the:
 - a. Railroad track located on the Western portion of the property;
 - b. 183A Toll Road right-of-way located on the Eastern side of the property;
 - 2. Shall be constructed of double-sided decorative masonry, double-sided concrete masonry unit (CMU) or woodcrete;

3. Shall be at a height not exceeding six (6) feet;
 4. Shall be at a minimum of five (5) feet;
 5. May be either open style or solid; and
 6. May be offset from the property line provided that it is situated in a maintained landscaped lot or easement.
- b. Additional landscaping to aid in screening the view into residential units from railcars traveling along the railroad track shall be planted in rear yards of lots abutting the railroad track including a minimum of:
1. One (1) shade tree; and
 2. Two (2) ornamental trees per lot.
- c. Fencing and landscaping along 183A Toll Road shall comply with the following:
1. No fencing along 183A Toll Road shall be required until the 183A Toll Road street improvements are constructed.
 2. In the event that the Central Texas Regional Mobility Authority elects to construct fencing adjacent to the lots located along 183A Toll Road, the developer shall not be required to construct additional fencing.
 3. Fencing shall be constructed along the property line of the District that abuts the railroad track located on the western portion of the Property and shall be constructed of double-sided decorative masonry, double-sided and tinted split-faced CMU or woodcrete at a height not exceeding six (6) feet, but shall be a minimum of five (5) feet. This fencing may be either Open Style Fencing or solid fencing. Fencing may be offset from the Property line provided that it is situated in a maintained, landscaped Lot or easement.
 4. Fencing along the property line abutting 183A Toll Road may be omitted in locations where buildings front the 183A Toll Road right-of-way or areas within sight triangles; and
 5. Landscaping along the frontage of 183A Toll Road shall comply with the standards of the Corridor Overlay ordinance, except that the landscape setback area may be reduced from 25 to 20 feet.
- F. **Lighting Standards.** A developer may, with City approval, incorporate alternative street lighting standards only if the standards are designed to aesthetically enhance the District.
- G. **Sign Standards.** See Cedar Park Code of Ordinances, Chapter 13, *Sign Regulations*.
- H. **Civic Uses.** For all civic uses the following site development regulations are required:
1. The building must be oriented to the general public in order to create focal points and landmarks;
 2. All sides of a building that are visible from a public street, public gathering area or green shall be compatible with or equivalent to the architectural features, materials, and the articulation of the front facade of the building; and
 3. The front facade shall not be oriented to face directly toward a parking lot.

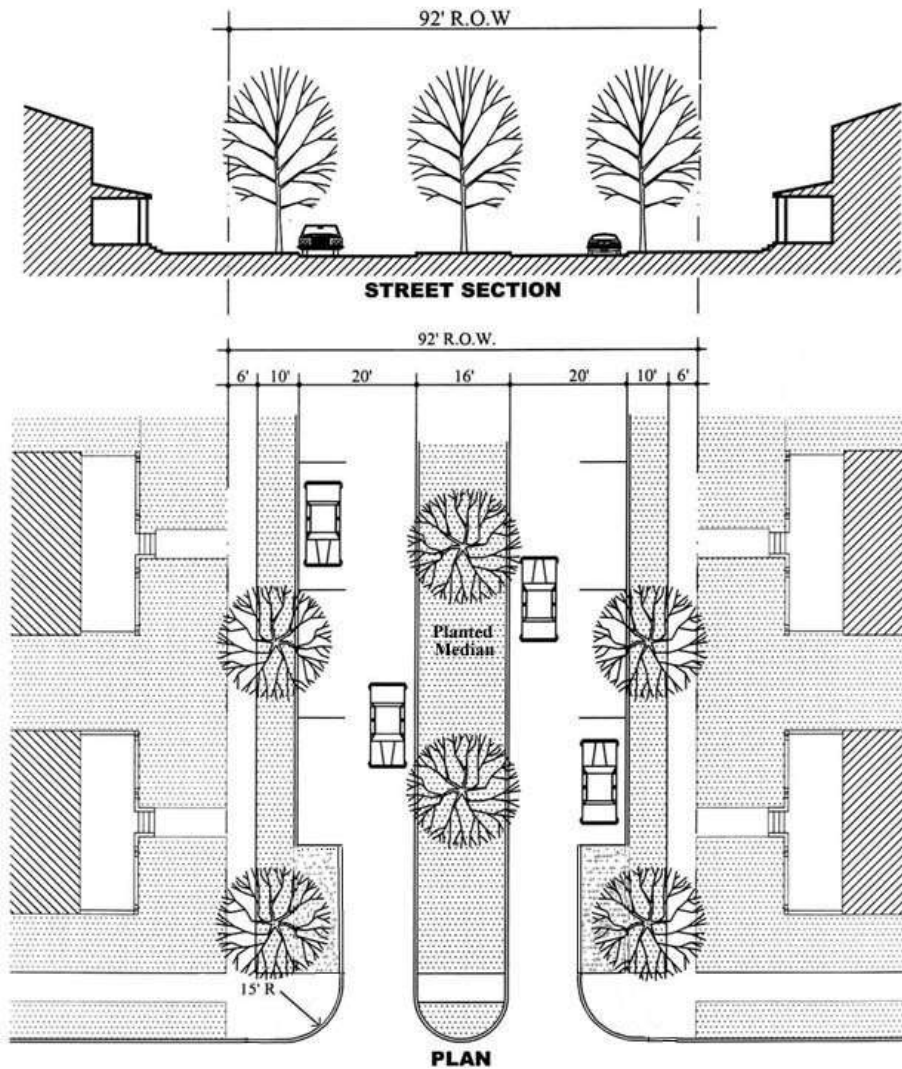
Figure 1
PKW-200: Parkway



SPECIFICATIONS

R.O.W.:	Varies
DESIGN SPEED:	30 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	2 @ 20'
PARKING:	Parallel parking- one side per direction @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	300'
MEDIAN:	Varies (with 10' park trail illustrated)
SIDEWALKS:	6' both sides

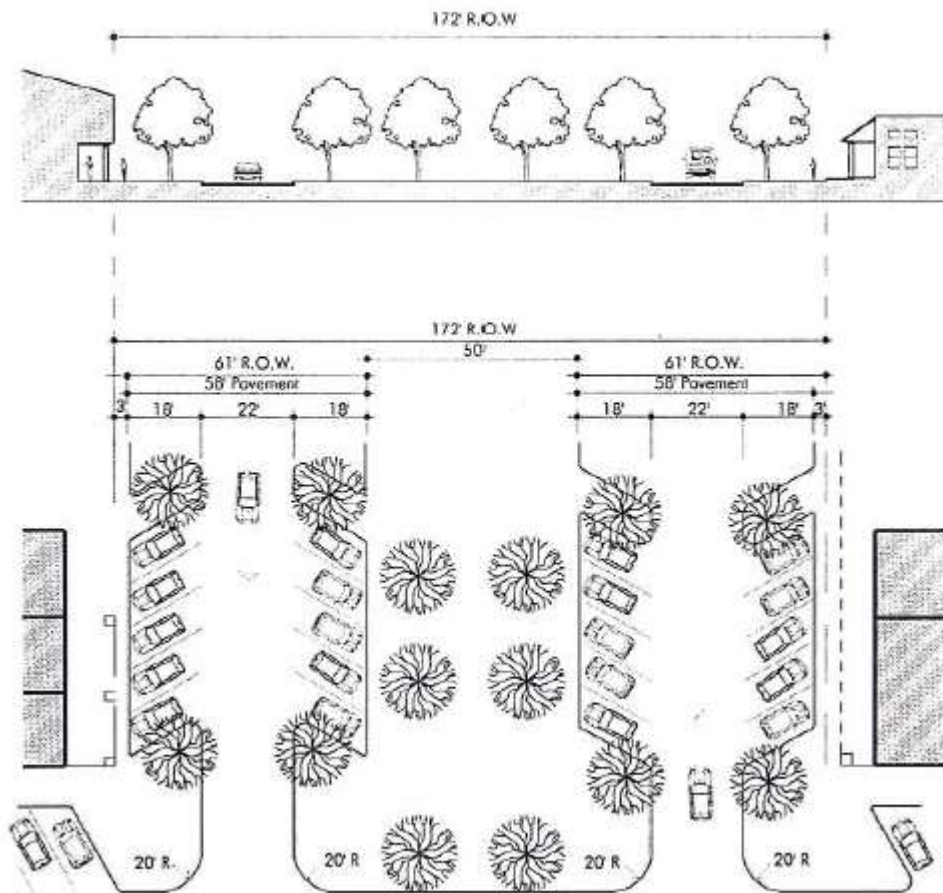
Figure 2
BVD-92: Boulevard



SPECIFICATIONS

R.O.W.:	92'
DESIGN SPEED:	30 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	2 @ 20' lanes
PARKING:	Parallel parking- one side per direction @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	300'
MEDIAN:	16' typical
SIDEWALKS:	6' both sides

Figure 3
MS-172: Two-Way Main Street Boulevard

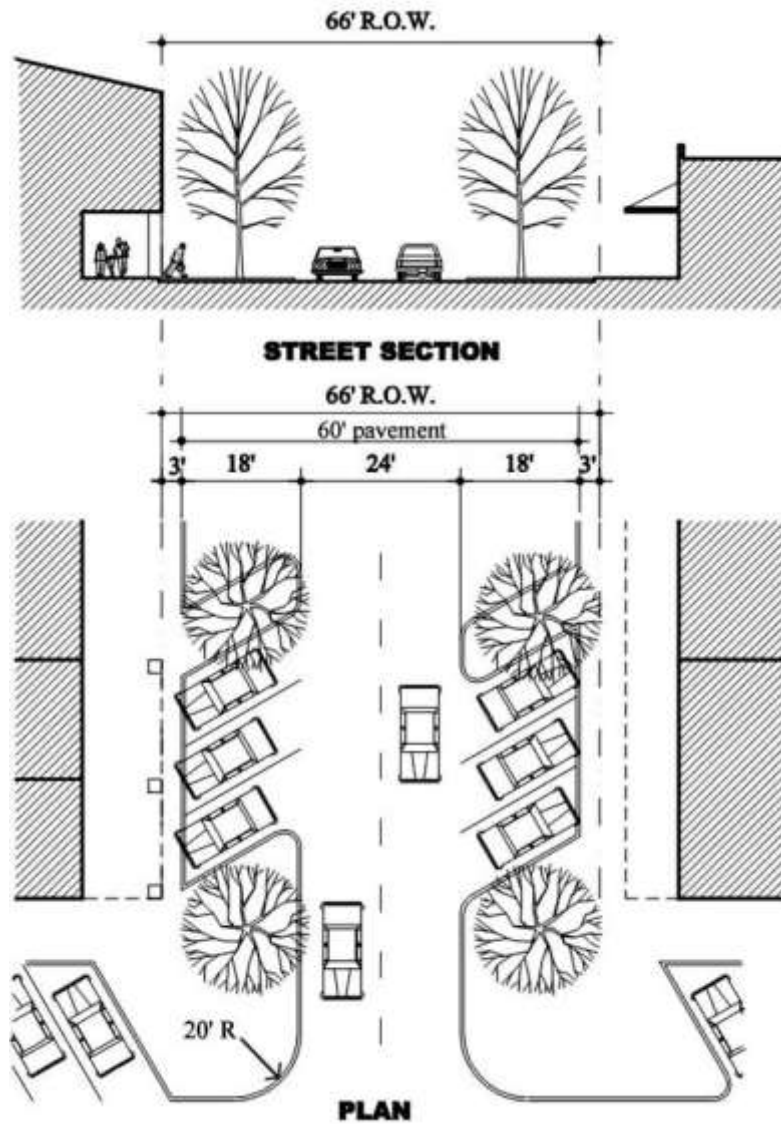


SPECIFICATIONS

R.O.W.:	172'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	45-60 degree angled parking on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 40-60' O.C. located in planting islands
STALL WIDTH:	9'
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 4
MS-66: 2-Lane Main Street

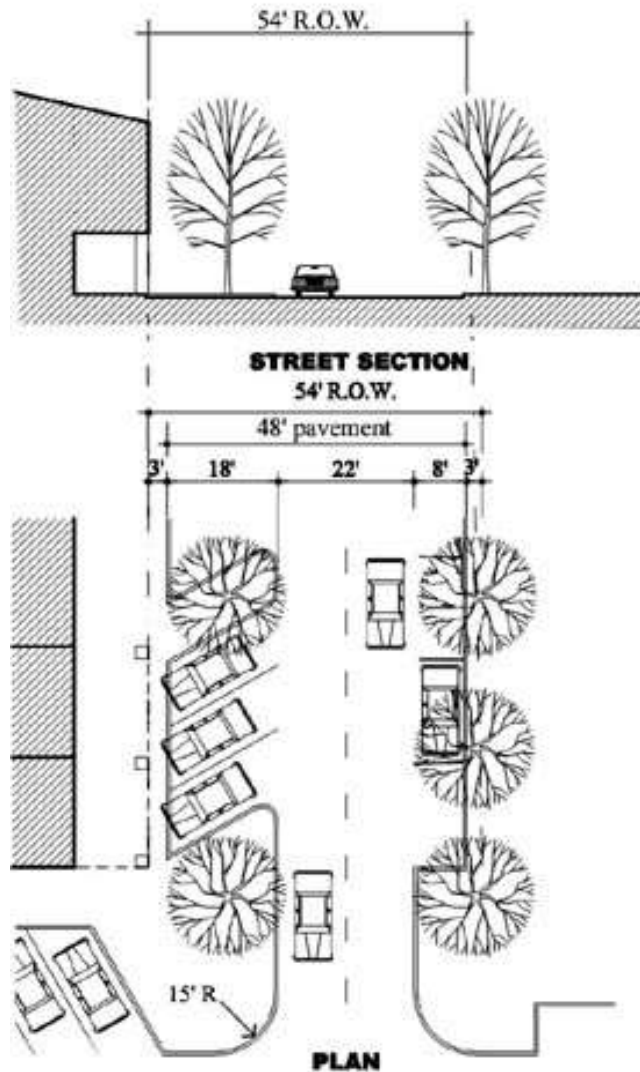


SPECIFICATIONS

R.O.W.:	66'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	45-60 degree angled parking on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 40-60' O.C. located in planting islands
STALL WIDTH:	9'
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 5
US-54: Urban Street with Angled Parking

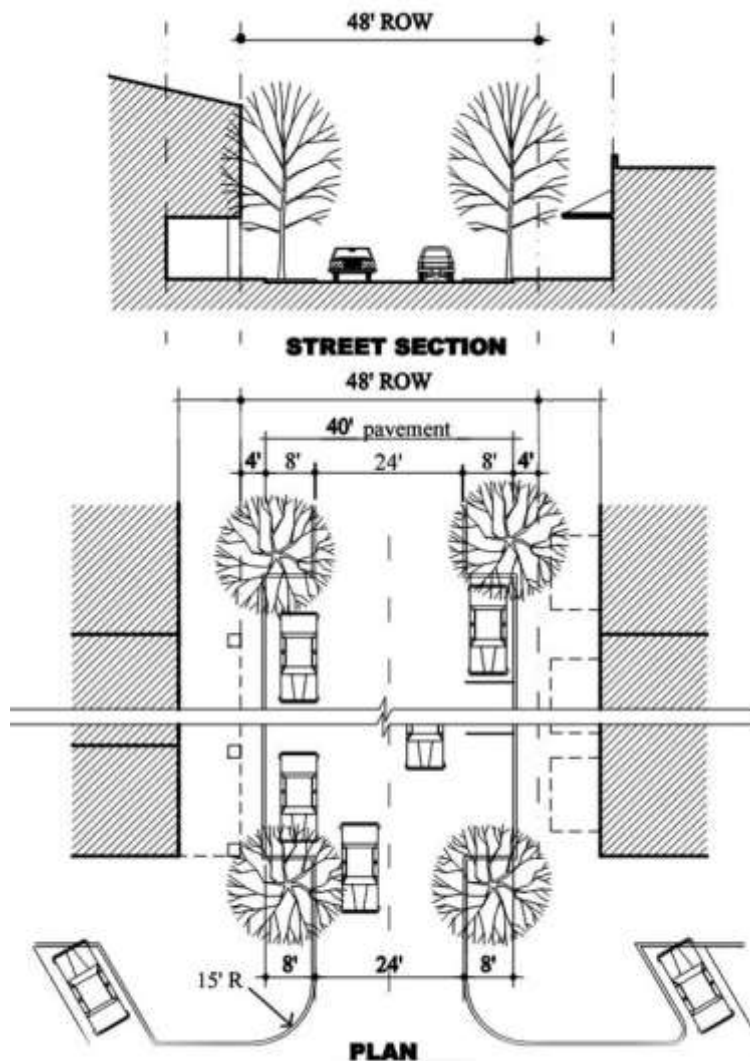


SPECIFICATIONS

R.O.W.:	54'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	45-60 deg. angled parking on 1 side/ parallel parking on side 2 @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
STALL WIDTH:	9'
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 6
US 48: Urban Street with Parallel Parking

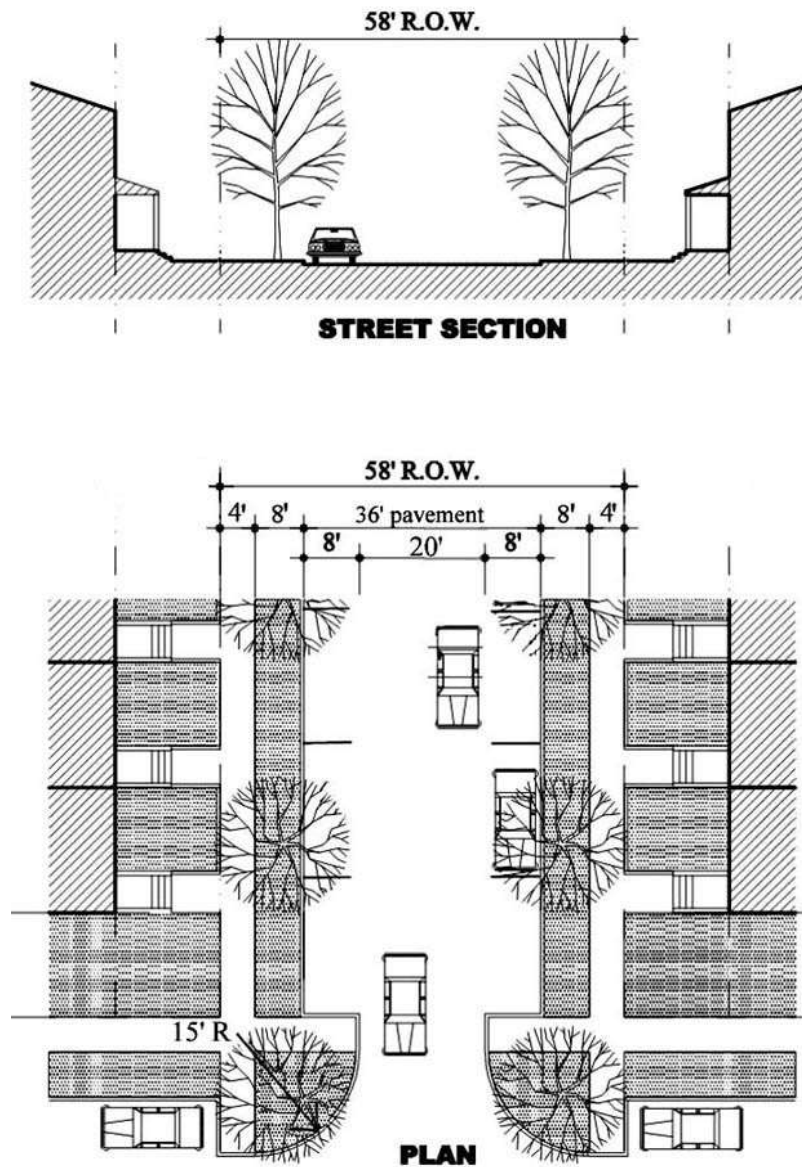


SPECIFICATIONS

R.O.W.:	48'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

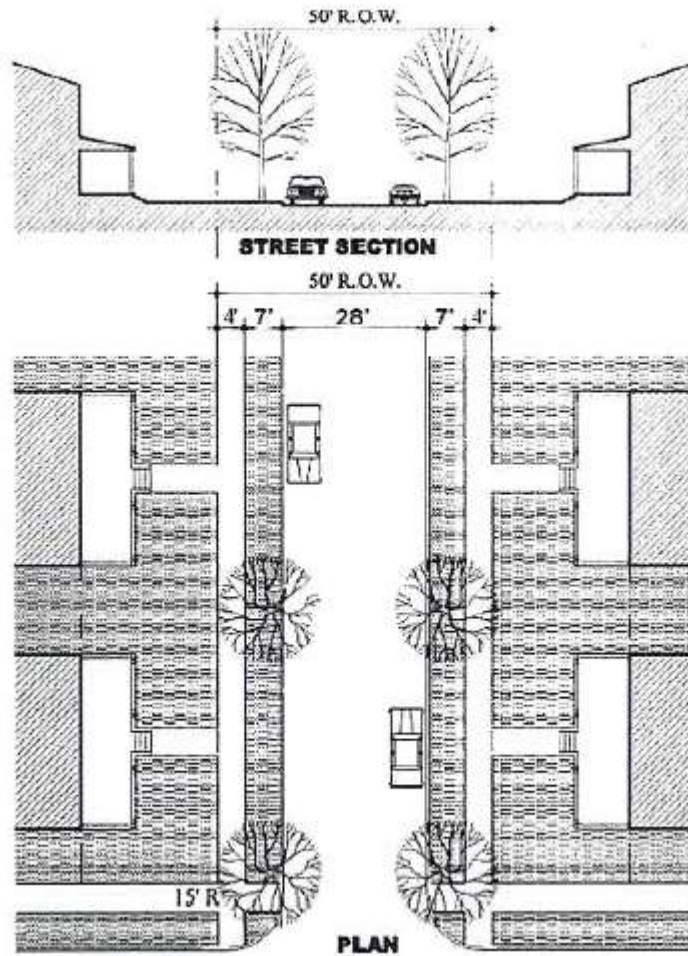
Figure 7
RC-58: Residential Collector



SPECIFICATIONS

R.O.W.:	58'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	20'
PARKING:	Designated parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
SIDEWALKS:	4' minimum both sides

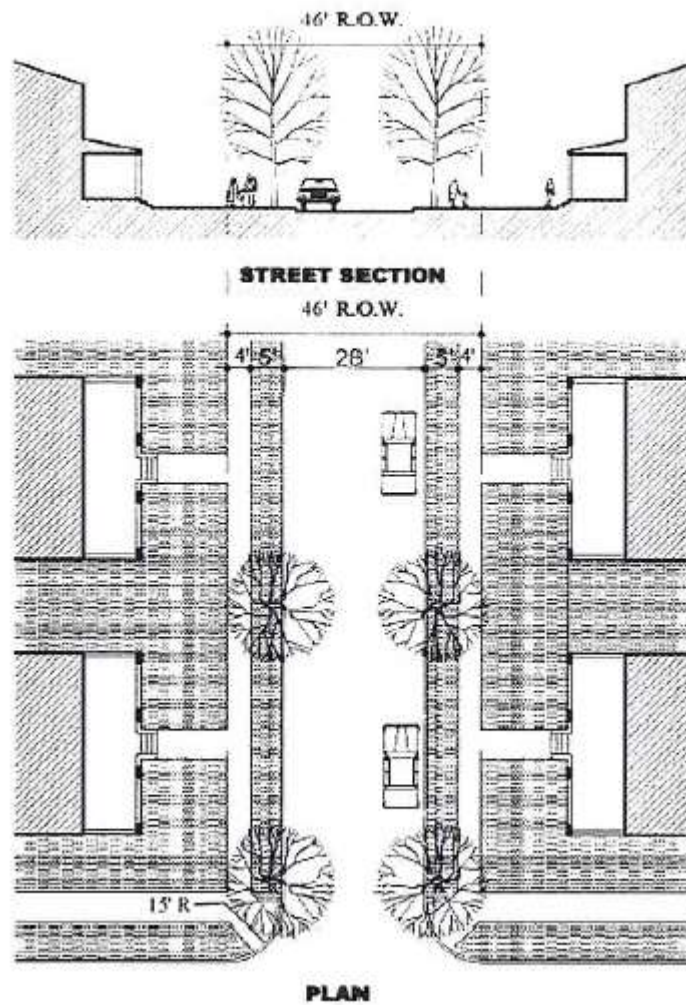
Figure 8
RS-50: Residential Street



SPECIFICATIONS

R.O.W.:	50'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	28'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
SIDEWALKS:	4' minimum both sides

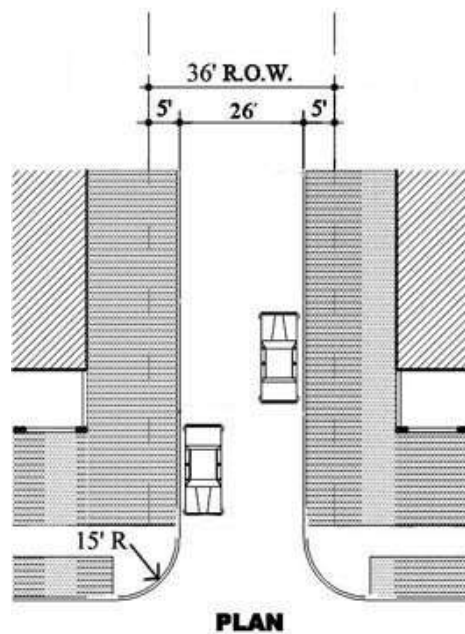
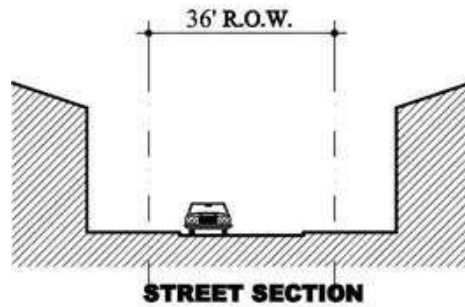
Figure 9
RS-46: Residential Lane



SPECIFICATIONS

R.O.W.:	46'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	28'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	4' minimum both sides

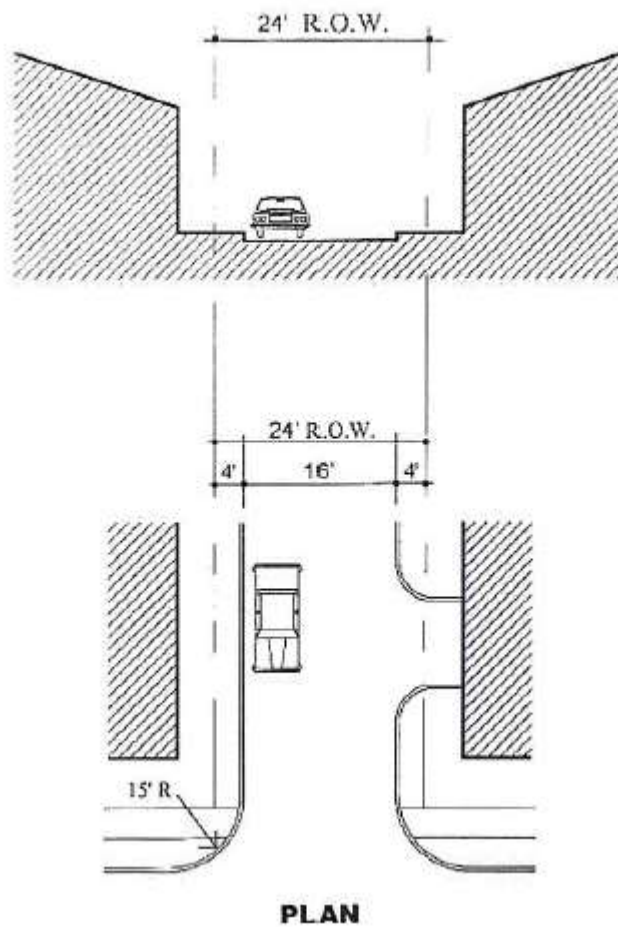
Figure 10
SS-36: Side Street



SPECIFICATIONS

R.O.W.:	36'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	26'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	None

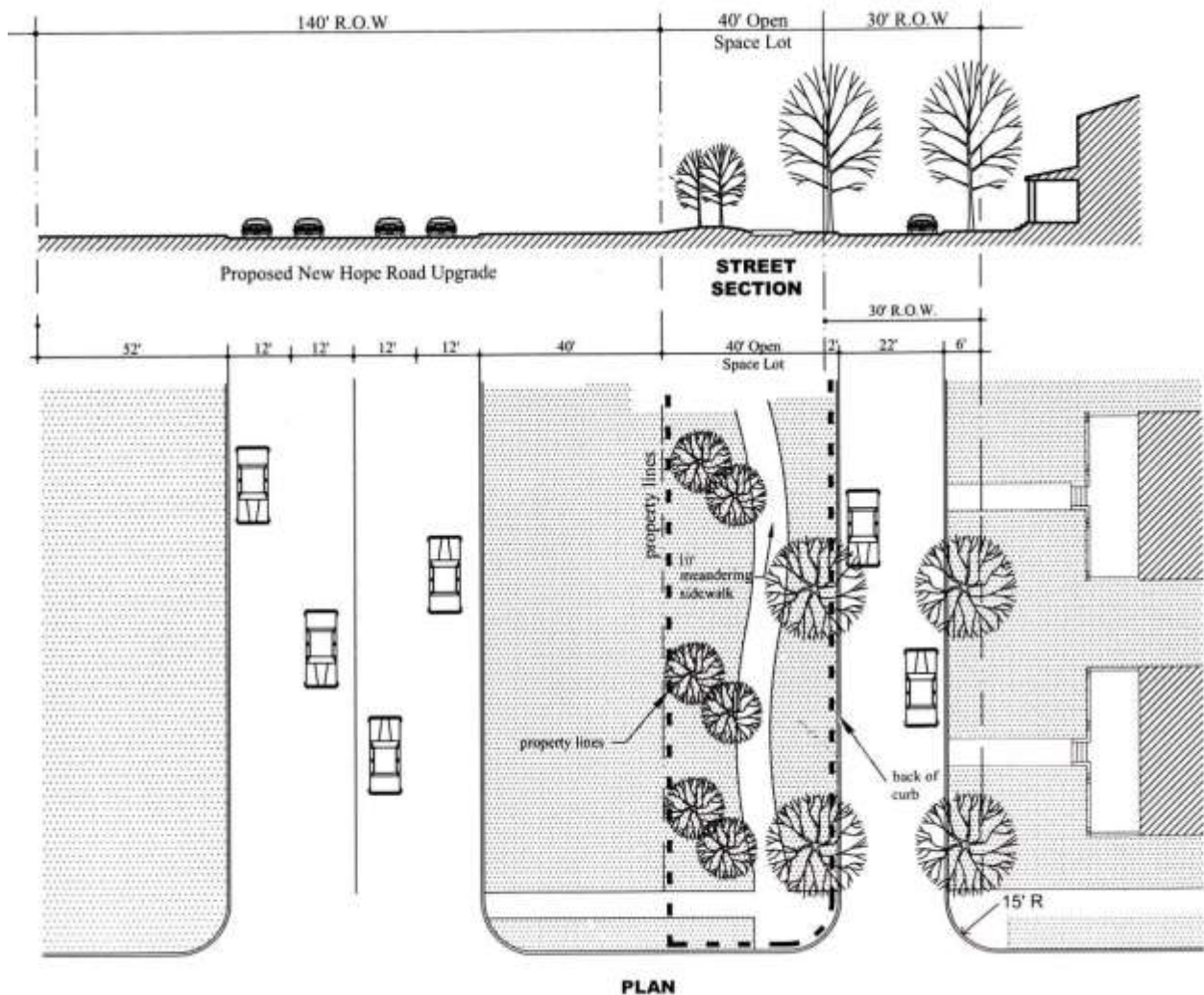
Figure 11
PL-28: One-Way Public Lane



SPECIFICATIONS

R.O.W.:	24'
DESIGN SPEED:	10 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	14'
PARKING:	None
CURB RADIUS:	15' radius at street corners
STREET TREES:	Not required
MINIMUM CENTERLINE RADII:	50'

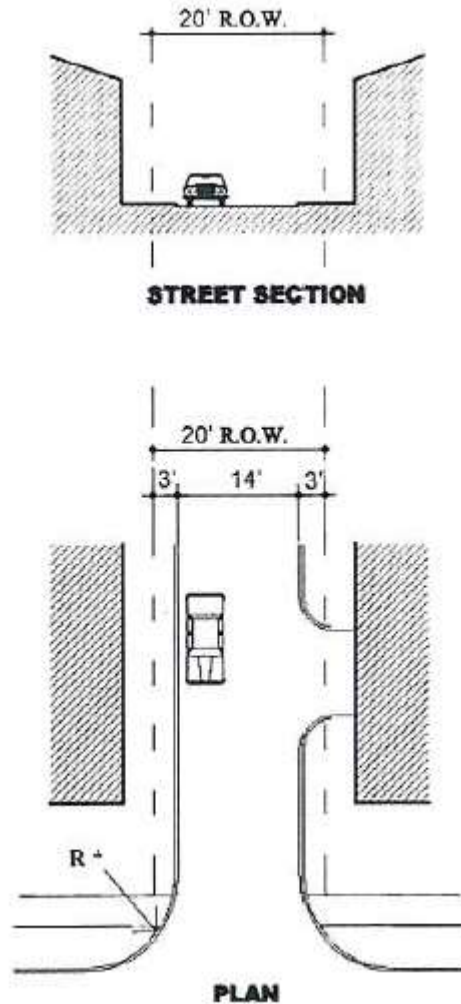
Figure 12
PL-30: Two-Way Public Lane



SPECIFICATIONS

R.O.W.:	30'
DESIGN SPEED:	15 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	One side @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	10' one side only (open space lot)

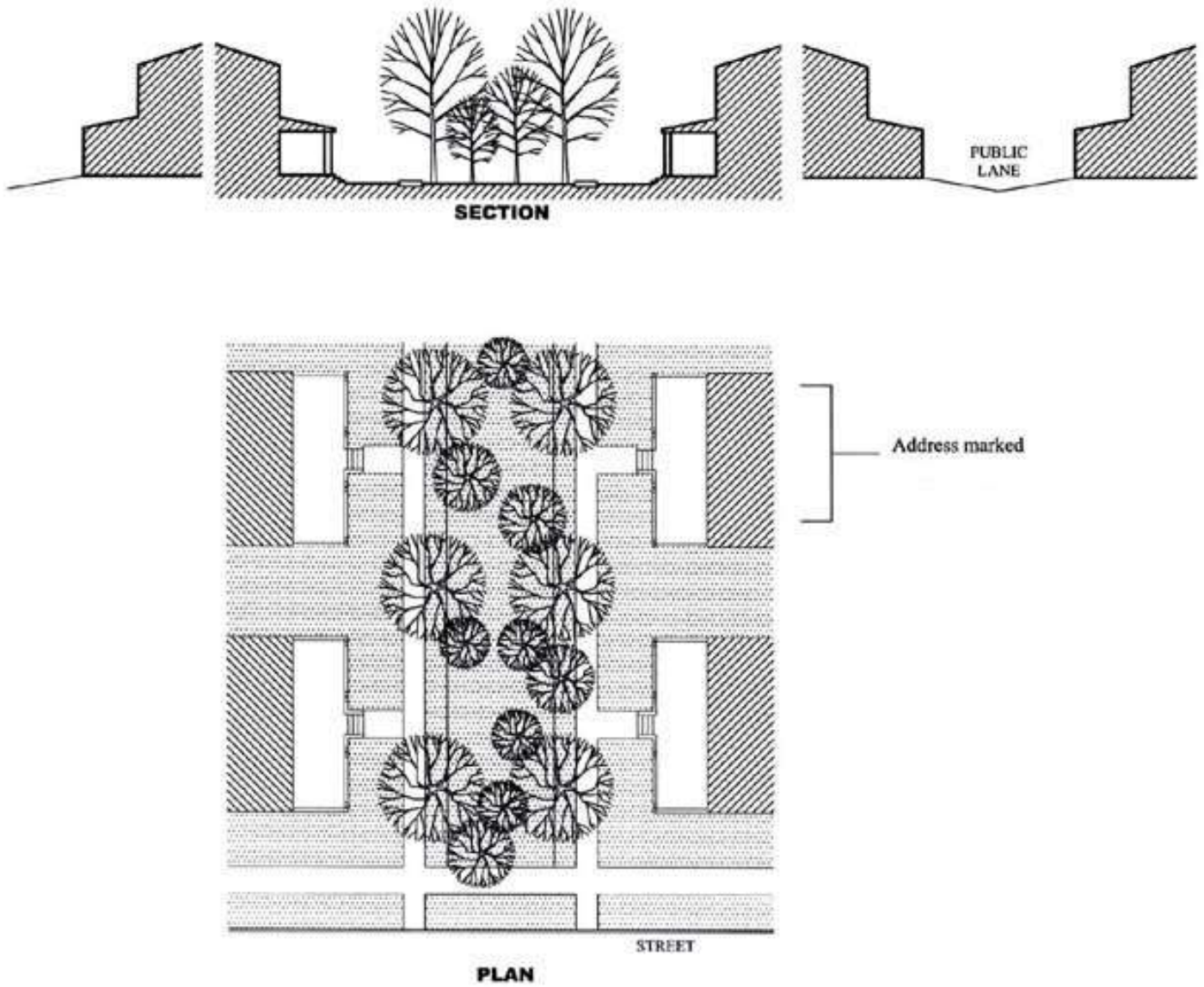
Figure 13
AL-24: One-Way Alley



SPECIFICATIONS

R.O.W.:	20'
DESIGN SPEED:	10 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	14'
PARKING:	None
* CURB RADIUS:	15' radius in Mixed Residential Area, 35' radius in Town Center Area
STREET TREES:	Not required

Figure 14
Green



SPECIFICATIONS

SIDEWALKS:

VEHICULAR SERVICE:

4' min. along lots fronting green

Public lane required along rear of lots fronting green

Figure 15
Residential Buffer Area

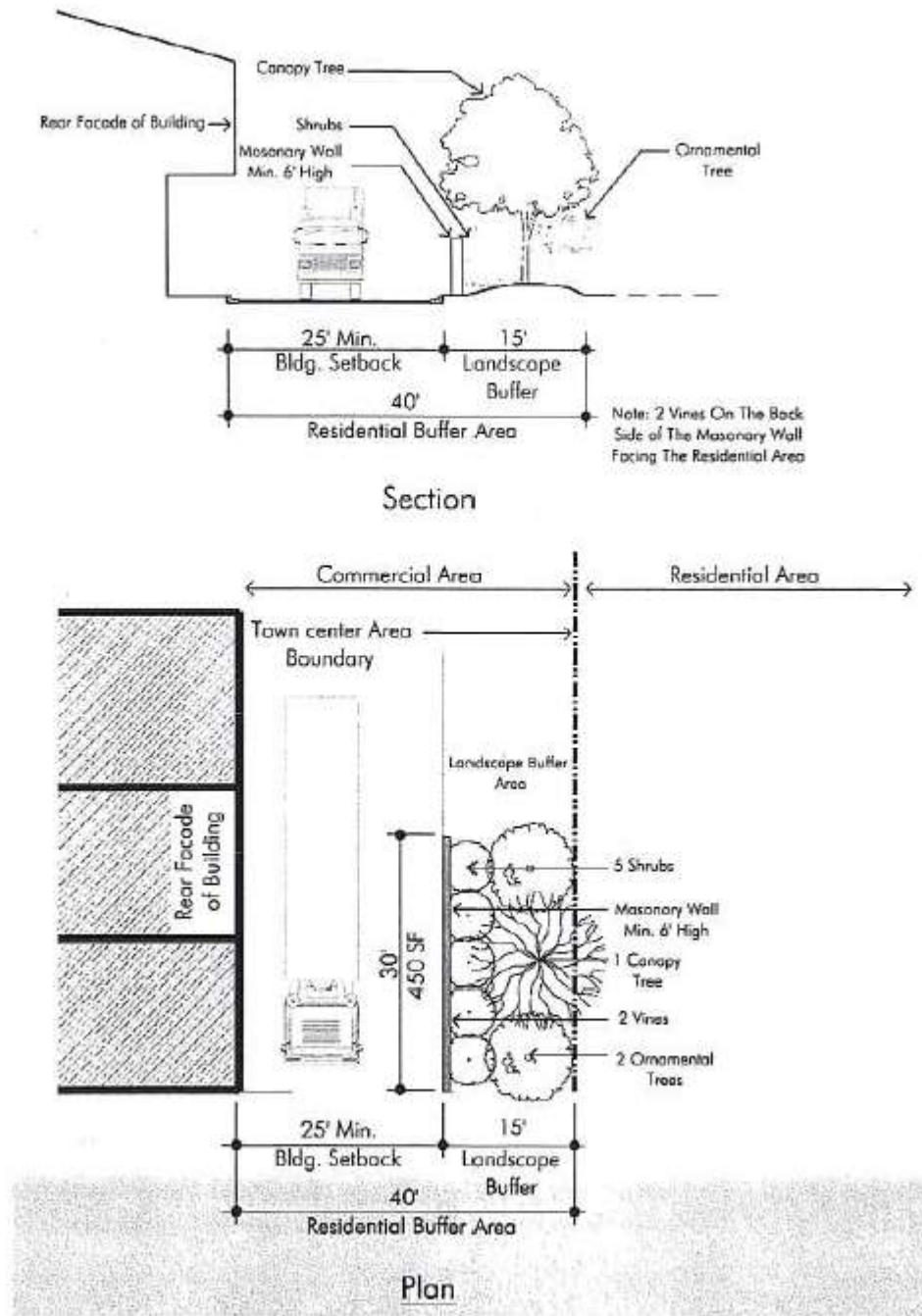
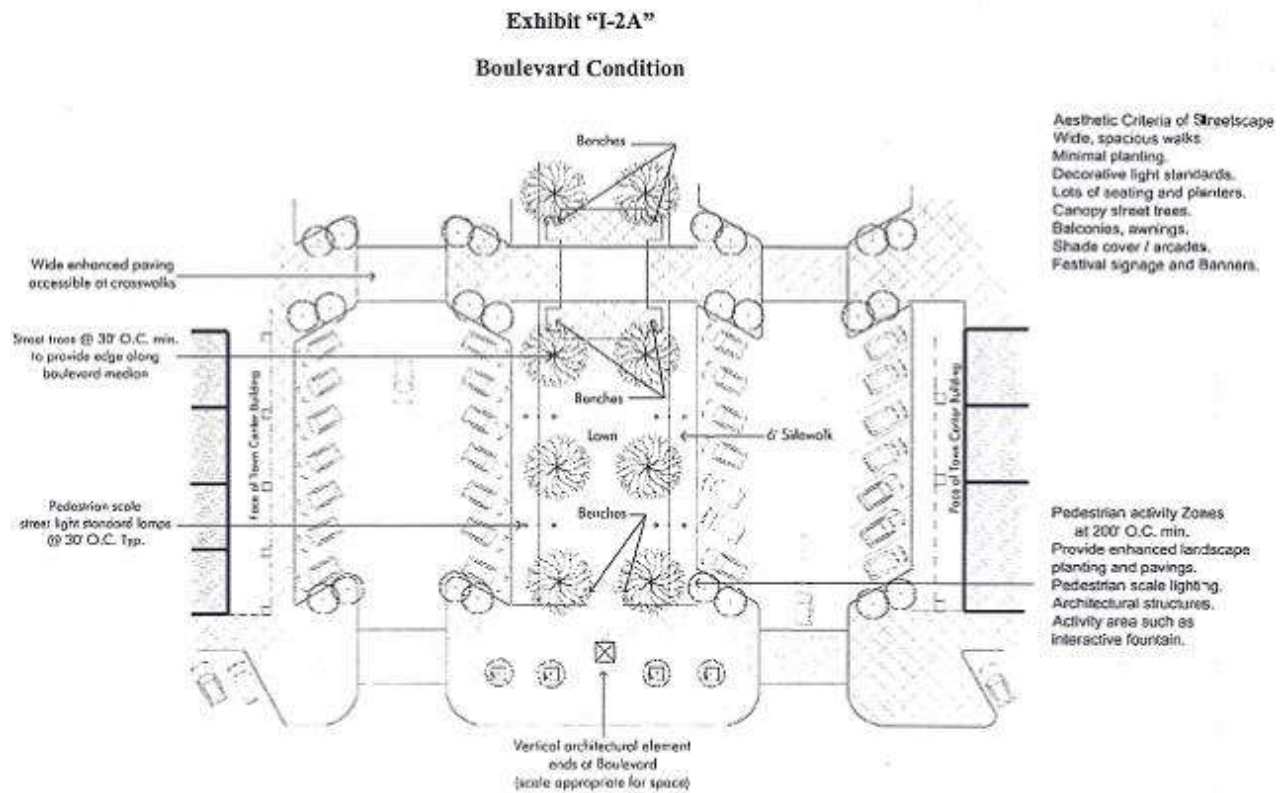


Figure 16
Exhibit "I-2A" Boulevard Condition



SPECIFICATIONS

R.O.W.:	66'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	45 degree angled parking, on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 60' O.C.
STALL WIDTH:	9'
MINIMUM CENTERLINE RADIUS:	180'
BUILDING SETBACK:	0'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Sec. 11.02.02.05 Mixed Residential Area

A. Purposes. The Mixed Residential Area is:

1. Designed to incorporate a variety of residential land uses including:
 - a. Single family detached residential;
 - b. Single family attached residential; and
 - c. Multifamily residential.
2. Intended to promote pedestrian activity and circulation through well-designed streetscapes that provide for the safe and efficient movement of vehicular traffic and pedestrian circulation.
3. Intended to allow for the location of limited commercial uses serving neighborhood needs. Commercial uses may be located within certain areas of the Mixed Residential Area of the district for the convenience of nearby residents. The businesses shall be conducive to the residential pattern of development and shall not create land use, architectural or traffic conflicts.

B. Permitted Uses. The following uses shall be permitted in the Mixed Residential Area:

1. *Residential Uses.*
 - a. Single family detached residential use including single family detached lot and side yard lot;
 - b. Single family attached residential use, including condominiums and townhouses;
 - c. Accessory buildings, which shall be located in rear yards, and accessory uses customarily incidental to the use of the residential uses above; and
 - d. Residential accessory dwellings.
2. *Open Space.*
 - a. Natural areas;
 - b. Conservation areas;
 - c. Outdoor recreational/athletic fields;
 - d. Outdoor swimming pools;
 - e. Parks, playgrounds, and related amenities;
 - f. Streams, lakes, impounded waterways, and their drainage ways;
 - g. Clubhouses and community centers;
 - h. Transit stops and off-street parking areas; and
 - i. Pedestrian and bicycle trails.
3. *Temporary Commercial Uses.*
 - a. Temporary home sales office; and
 - b. Temporary construction site office.
4. *Commercial Uses.* Limited Commercial Overlay areas are designated on the Regulating Plan and the following uses are permitted within these areas:
 - a. Limited lodging;
 - b. Home office;
 - c. Studio office;
 - d. Arts and crafts workshop;
 - e. Boutique retail;
 - f. Corner grocery;

- g. Limited food service; and
- h. Neighborhood commercial.

5. *Civic Uses.*

C. Residential Site Development Regulations.

1. *Alleys.* Alleys are required unless there is a finding by the Administrator that an alley is not physically feasible of be constructed.
2. *Lot Size and Setback Regulations.* The following table lists the site development regulations for residential development within the Mixed Residential Area

Table 11.02.02.05.1 Lot Size and Setback Regulations				
REGULATION	SINGLE FAMILY DETACHED LOT	SIDE YARD LOT	TOWNHOUSE	CONDOMINIUM
Minimum Lot Size	2,700 SF	2,700 SF	1,400 SF	4,500 SF
Minimum Lot Size On a Corner Lot	3,150 SF	3,150 SF	1,750 SF	4,950 SF
Minimum Lot Width ¹	30 FT	30 FT	20 FT	50 FT
Minimum Lot Width On a Corner Lot	35 FT	35 FT	25 FT	55 FT
Maximum Height	35 FT	35 FT	35 FT	35 FT
Minimum Front Yard Setback ^{3,4}	15 FT	15 FT	10 FT	10 FT
Minimum Street Side Yard Setback ^{3,4}	10 FT	10 FT	10 FT	10 FT
Minimum Interior Side Yard Setback ^{2,3}	5 FT	0 FT/10 FT	None	10 FT
Minimum Rear Yard Setback ³	5 FT	5 FT	5 FT	5 FT

Table Notes:

1. On a courtyard or curved street, the minimum Lot Width between the front Lot line and the minimum front yard Setback is 15 feet for a Townhouse Lot and 25 feet for other Lots.
2. Side Yard Lots shall have a minimum interior side yard setback of zero (0) feet on one (1) side and 10 feet on the other side. The minimum distance between two (2) structures located on Side Yard Lots shall be 10 feet; not including roof overhangs (provided the roof overhangs do not encroach into an easement).
3. Roof overhangs may extend two (2) feet into the front, rear and side Setbacks provided that they do not encroach into an easement.
4. Minimum front yard Setbacks and street side yard Setbacks shall be measured from the property line to the line of the closest solid wall to the property line; open space areas (such as a Front Porch, stoop, balcony or bay) may encroach upon such Setback, even if there are structural supports. There shall be no structure within eight (8) feet of the front property line or a street side yard property line. Steps and handrails are not considered as a part of the structure and have no Setback requirement.

2. *Garage/Carport Regulations.*

- a. Garages or carports shall be:
 1. Accessed from the rear of the lot;
 2. Either attached or detached;
 3. Accessible from a:
 - a. Private interior drive;
 - b. Alley; or
 - c. Private street; or
 - d. Public street.
- b. Two (2) car garages shall be required for all single family detached residential units constructed on lots with lot width of greater than 35 feet.
- c. The Administrator may approve a garage entry facing the street provided that the garage is at least 20 feet behind the front property line and at least ten (10) feet behind the front wall of the principal structure.

- d. Carports may be used if they:
 - 1. Conform with the all of the requirements of this Subsection;
 - 2. Are accessible from alleys; and
 - 3. Are screened from view of streets.

3. *Residential Parking Regulations.*

- a. Single Family Detached Residential. Development of single family detached residential units shall provide a minimum of two (2) off-street parking spaces, except for lots:
 - 1. Having a lot width that exceeds 35 feet; and
 - 2. With a driveway that is less than 20 feet in length shall be required to provide:
 - a. One (1) additional off-street parking space;
 - b. A second off-street parking space should the building contain a residential accessory dwelling unit; and
 - c. Shall be accessible from an alley should an alley abut the property.
- b. Single Family Attached Residential.
 - 1. Parking spaces shall be:
 - a. Conveniently located; and
 - b. Accessible from an alley should an alley abut the property.
 - 2. Parking that exceeds one (1) parking space per unit may be located off-street and off-site provided that the parking space is no further than 200 feet from the dwelling unit. Head-in parking off of an alley may meet these requirements.
 - 3. Development of single family attached residential units shall provide a minimum of two (2) off-street parking spaces with the exception of one (1) bedroom or condominium or townhouse units, which shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit.
- c. Tandem Parking. Tandem parking shall:
 - 1. Be permitted in accordance with the provisions of the existing Code of Ordinances; and
 - 2. Count toward the required parking spaces.

4. *Residential Facades.*

- a. Prohibited materials:
 - 1. Wood siding;
 - 2. Vinyl siding; and
 - 3. Metal siding.
- b. Residential building exteriors may be finished in:
 - 1. Cementitious "hardiplank" siding;
 - 2. Brick;
 - 3. Stone;
 - 4. Cast stone; or
 - 5. Stucco.
- c. *Residential Density.* All property within the Mixed Residential Area shall be platted to an average minimum gross density of four (4) dwelling units per acre, excluding parks, churches and other nonresidential uses, but including Open Space, Parks, streets and other associated residential uses.

Residential Accessory Dwelling units shall not be included for purposes of calculating this average minimum gross density requirement.

- d. *Private Interior Drives.* Private interior drives are permitted only as part of a condominium development under the following conditions:
 - 1. Maintenance will be maintained by a Property Owners Association at a reasonable level;
 - 2. Compliance with all City fire and emergency regulations are met.
 - 3. A means for a vehicle to turn around for every 150 feet in length is provided for.
 - 4. A minimum street width of 20 feet.
- e. *Height Regulations.* No building within the Mixed Residential Area shall exceed 35 feet, or two (2) floors above ground level, whichever is less, exclusive of appurtenances.
- f. *Residential Elevations.*
 - 1. Generally. The finished first floor of a dwelling shall be a minimum of 24 inches above the elevation of the curb along the lot frontage.
 - 2. Exception. When the requirement in subsection C(4)f(1) above shall result in a slab elevation exceeding 48 inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is 48 inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree. The elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the Principal Dwelling Structure.
- g. *Front Porch Regulations.*
 - 1. Single family detached residential units, other than those constructed on a lot with a lot width that is equivalent to or less than 35 feet shall comply with the following:
 - a. 20 percent of the principal dwelling structure shall not be required to comply with any minimum front porch regulations within this Section; and
 - b. 80 percent of the principal dwelling structure shall not be required to include a front porch with:
 - i. 80 square feet having a minimum depth of six (6) feet; and
 - ii. A minimum of 100 square feet of total front porch area.
 - 2. Single family detached residential units constructed on a lot with a lot width that is equivalent to or less than 35 feet, shall comply with the following:
 - a. 40 percent of the principal dwelling structure shall not be required to comply with any minimum front porch regulations within this Section; and
 - b. 60 percent of the principal dwelling structure shall be required to include a front porch with 50 square feet and having a minimum depth of six (6) feet.
 - 3. Single family attached residential. No requirements.
 - 4. Measurements.
 - a. Dimensions of front porches shall be based on the extent of exposed slab.
 - b. Percentage of compliance as set forth above shall be measured on a plat-by-plat basis.
- h. *Roof Regulations.*
 - 1. Pitched roofs may be clad in:
 - a. Painted or galvanized metal;

- b. Clay or concrete tile; or
 - c. 25 year (minimum) composition shingles.
- 2. Flat roofs are permitted only if habitable as a roof terrace.
- 3. Principal pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 5:12.
- 4. Porch and stoop roofs may have a 2:12 minimum pitch.
- i. *Condominium Spacing.*
 - 1. Each building shall be at least 10 feet from the walls of the nearest dwelling unit, not including stoops, porches, and other non-air conditioned spaces.
 - 2. The roof overhang may extend up two (2) feet into the side yard setback.
- j. *Screening of Above Ground Utility Facilities and Mechanical Equipment.*
 - 1. Electrical transformers, air-conditioning compressors and other above ground utility facilities and mechanical equipment (other than fire hydrants) shall be screened from view from public streets.
 - 2. Screening may consist of fencing, landscaping, or other visual screening.
 - 3. Landscaping that will, at maturity, screen at least 60 percent of the view of the facility shall be considered adequate screening for the purpose of this Section.
- k. *Addressing Locations.* For all lot located adjacent to an alley, assigned City address numbers shall be permanently affixed to all structures in such positions as to be plainly visible and legible from both the street and alley.

D. Side Yard Lots. The following regulations shall apply to side yard lots:

- 1. A structure may be erected adjacent to an Interior Side Lot line; the eaves of a structure may extend across the interior side lot line not more than two (2) feet.
- 2. Except for a patio or patio cover, the minimum distance between structures on adjoining lots is 10 feet.
- 3. The minimum distance between a patio or patio cover and a structure on an adjoining lot is six (6) feet.
- 4. *Easements.*
 - a. An easement is required for the purpose of construction and maintenance of a structure on each lot that abuts a lot with a structure adjacent to a common interior side lot line.
 - b. The easement shall:
 - 1. Be not less than five (5) feet wide; and
 - 2. Extend the full length of the interior side lot line.

E. Residential Accessory Dwellings. A lot intended for use as a single family residential dwelling unit may contain both a principal dwelling structure and a residential accessory dwelling unit under the following conditions (applicable to the residential accessory dwelling):

- 1. Unit is required to be in the rear yard of the lot.
- 2. No more than one (1) unit dwelling per lot.
- 3. Maximum height (provided that a residential accessory dwelling unit shall not be constructed to a height greater than the principal dwelling structure) shall be the lesser of:
 - a. Two (2) stories; or
 - b. 35 feet.
- 4. Maximum floor area: 600 square feet.
- 5. Parking shall:

- a. Be accessible from an alley, if any; and
 - b. Not be less than one (1) parking space per accessory dwelling unit.
6. All units shall be in compliance with all applicable regulations within the Code of Ordinances, including but not limited to, those dealing with building, plumbing electrical, fire, safety, health, sanitation, and property maintenance.
7. *Utilities.*
- a. Utilities provided to the residential accessory dwelling unit shall be submetered from the Principal Dwelling Structure.
 - b. Utility Assignments for Residential Accessory Dwellings. Impact fees for both water and wastewater shall be paid and LUE's issued for each Residential Accessory Dwelling unit as required by City Code. Not less than one-half (1/2) of a water LUE and one-half (1/2) of a wastewater LUE shall be required for each Residential Accessory Dwelling. LUE's shall be counted and credited as they are allocated, whether in whole numbers or in fractions thereof.

F. **Residential-Scale Commercial Site Development Regulations.** The following standards for the Limited Commercial Overlay Districts are intended to preserve the residential atmosphere and be consistent with the District.

- 1. *Dwelling Units.* Dwelling units are permitted above or behind a commercial use and are secondary to that commercial use.
- 2. *Lot Size.* The following site development regulations shall be applicable to commercial uses:
 - a. Minimum Lot Size: 3,500 square feet.
 - b. Minimum Lot Depth: 100 feet.
 - c. Minimum Lot Width: 35 feet.
 - d. Maximum Height: 35 feet.
- 3. *Setbacks.*
 - a. Front Yard: 10 feet.
 - b. Side Yard: 5 feet.
 - c. Street Side Yard: 10 feet.
 - d. Rear: 10 feet.
- 4. *Parking Regulations.*
 - a. Off-street parking shall be provided as required by the Code of Ordinances except that designated on-street parking spaces along the frontage of the lot shall count toward the required parking spaces.
 - b. Off-street parking for Limited Commercial Overlay uses shall be located in the side yard and/or rear yard.
- 5. *Sold on Site.* Items produced or wares and merchandise handled shall be limited to those sold on the premises.
- 6. *Operating and Delivery Hours.* Operating and delivery hours for commercial uses, including private refuse pickup, shall be limited to the period from 6:00 a.m. to 10:00 p.m.
- 7. *Limited Lodging: Bed and Breakfast Establishment*
 - a. The property owner shall occupy the residence.
 - b. A maximum of four (4) guest bedrooms may be provided.
 - c. Paying guests shall not stay more than seven (7) consecutive days.

- d. Only overnight guests may be served meals at the establishment, except that luncheons and receptions may be held for attendees of organized social functions and tours.
 - e. Each bed and breakfast establishment shall provide a minimum of two (2) off-street parking spaces plus one (1) additional space for each guest room shall be provided unless the establishment's owner can show that adequate off-street parking is available at an adjacent commercial site under common ownership or lease.
 - f. Each bed and breakfast establishment shall comply with all licensing requirements of the County Health Department for storage, preparation, and serving of food and beverages.
8. *Limited Office.*
- a. Only the first story of a principal or ancillary building allows for limited office uses.
 - b. No outdoor storage of materials is allowed.
 - c. Parking: One (1) assigned parking space for each 300 square feet of commercial usage in the building in addition to the parking requirement for each dwelling (i.e., home office).
9. *Limited Commercial.*
- a. Only the first story of a principal or ancillary building allows for limited commercial uses.
 - b. The parking regulations shall be determined according to the specific activity (i.e., child care or coffee house) and the Code of Ordinances.

Sec. 11.02.02.06 Town Center Area 1

A. Purpose. The Town Center Area 1 is intended to:

- 1. Serve as the focal point of the District;
- 2. Contain retail, commercial, civic, and residential uses to meet the needs of the community;
- 3. Create an intensive concentration of retail services, including shops, restaurants, cafes, and entertainment venues;
- 4. Create the potential for office and multifamily residential development, all oriented to the public framework of streets and open spaces;
- 5. Create a vibrant mixed-use center with a strong pedestrian orientation;
- 6. Create open space as an integral component of the area; and
- 7. Be pedestrian oriented, including the encouragement of pedestrian movement between the Mixed Residential Area and the Town Center Area 1.

B. Permitted Uses. The following uses shall be permitted within Town Center Area 1:

- 1. *Residential Uses.*
 - a. Single family attached residential, including condominiums and townhouses; and
 - b. Multifamily residential.
- 2. *Commercial Uses.* Unless otherwise prohibited, all uses permitted within the GB Zoning District are permitted within the Town Center Area 1 labeled as "Mixed-Use."
- 3. *Civic Uses.*
- 4. *Open Space.*
 - a. Conservation areas;
 - b. Outdoor recreational / athletic facilities;
 - c. Outdoor swimming pools;

- d. Parks, playgrounds and related amenities;
- e. Streams, lakes, impounded waterways and their drainage-ways;
- f. Clubhouses and community centers;
- g. Off-street parking areas; and
- h. Pedestrian and bicycle trails.

5. *Mixed Use.*

- a. Mixed Use is permitted as where shown on the Regulating Plan.
- b. Mixed Use does not require any certain combination or mix of permitted uses.
- c. Building and structures combining any mix of permitted and conditional uses are allowed, subject to the standards and provisions set forth in the Town Center.

C. Site Development Regulations.

1. *Setbacks.* Except as set forth in Subsection (C)(2), *Residential Buffer Areas* below there shall be no required setbacks in Town Center Area 1.
2. *Residential Buffer Areas.* Residential Buffer Areas are intended to provide a transition from Single Family Detached Residential buildings and Single Family Attached Residential Buildings to permitted uses in the Town Center Area 1.
 - a. *Building Setbacks.* In a Residential Buffer Area, the minimum buildings setback from residential uses and associated alleys in the Mixed Residential Area for Town Center uses other than Townhomes and Condominiums shall be 40 feet and the landscape setback shall be 15 feet. *See Figure 15, Residential Buffer Area.*
 - b. *Landscape Setbacks.* In a Residential Buffer Area, a 15-foot landscape buffer area in the Town Center Area is required adjacent to residential uses. That strip of land, the landscape buffer between such Residential Lot and Town Center parking lots, service drives and loading areas, shall be improved and maintained as follows:
 1. A masonry wall not less than six (6) feet tall and not more than eight (8) feet tall (the "Buffer Wall") in the landscape buffer and within an area which is not less than 10 feet and not more than 15 feet from the residential use in the Mixed Residential Area,
 2. Every 40 feet of length of the Buffer Wall, the landscaped buffer on the Mixed Residential Area side of the Buffer Wall improved and landscaped with one (1) canopy tree, two (2) ornamental trees, five (5) shrubs, and two (2) vines, and
 3. An irrigation system sufficient to properly water and maintain the trees, hedges, and other plantings in the landscape buffer. These improvements and the setbacks are shown on *Figure 15, Residential Buffer Area.*
 4. The landscape buffer on the Mixed Residential Area side of the Buffer Wall will be owned by the owner of the applicable property in the Town Center Area 1 but will be maintained by the Property Owners Association for the Mixed Residential Area.
 5. The Buffer Wall will be maintained by the owner of the Town Center Area tract on which the wall is located or, if a Property Owners Association is created for the Town Center Area 1, then by such Property Owners Association. The Property Owners Association for the Mixed Residential Area shall have and is hereby granted an access and landscape easement, and such easement shall be shown on all final subdivision plats for the Town Center Area property.
3. *Balconies.* An unenclosed balcony with a minimum clearance of nine (9) feet above finished grade may extend five (5) feet over a public sidewalk.

4. *Awning or Walkway.* An awning or walkway covering with a minimum clearance of eight (8) feet above grade may extend five (5) feet over a public sidewalk.
5. *Secondary Residential Use.* Residential units are permitted above or behind a commercial use and are secondary to that commercial use.
6. *Automobiles.* Automobiles shall be accommodated in a manner that provides for convenience but does not undermine the integrity of the public environment or the quality of the pedestrian realm.
7. *Alcoholic Beverage Regulations.* Sale or consumption of alcoholic beverages is permitted within the Town Center Area and is subject only to applicable state statutes. The City Code with respect to the sale or consumption of alcoholic beverages does not apply to the establishment, location, licensing, and/or permitting of bars and cocktail lounges.
8. *Residential Elevation.*
 - a. Elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the principal dwelling structure.
 - b. A residential use with street level living space shall have a finished first floor elevation of not less than 24 inches above the elevation of the curb along the lot frontage except when such requirement shall result in a slab elevation exceeding 48 inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is 48 inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree.
9. *Location of Unsightly Equipment.*
 - a. Dumpsters, mechanical equipment, storage areas and areas for refuse collection
 1. Shall be located so as not to detract from public use areas; and
 2. Are not allowed in the residential buffer area.
 - b. No areas for outdoor storage, trash collection, or compaction, or other such uses shall be located within 25 feet of any public street, public sidewalk, residential use, or internal pedestrian pathway. This requirement does not apply to a statutorily required accessible ADA route servicing the trash collection area.
10. *Buildings.* Multi-level mixed use buildings will be a feature of the Town Center Area 1. This Area is envisioned as a vibrant mixed-use center with a strong pedestrian orientation. All buildings and structures in the Town Center Area 1 shall comply with the following standards:
 - a. Uses. Town Center uses shall include public places, public-oriented activities, amenities, and treatments on the ground floor, including shops, cafes, offices, or other such uses that promote a positive pedestrian environment.
 - b. Facades.
 1. Facade Walls. Front facade walls and side facade walls must incorporate all of the following design elements. Rear facade walls must incorporate at least two (2) of the following design elements. The cumulative length of these design elements must extend for at least 75 percent of the facade wall's horizontal length.
 - a. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that has a relief of at least eight (8) inches.
 - b. Arcades, awnings, canopies, covered walkways, or porticos.
 - c. Display windows, faux windows, or decorative windows.
 2. Facade Wall Changes. Facade walls must have one (1) or more of the following changes:

- a. Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.
 - b. Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.
3. Facade Materials and Colors.
 - a. No more than 80 percent of the area of a facade wall, exclusive of fenestration, may have a single material color.
 - b. The following material may only be used as an accent material: smooth-faced concrete block that is non-tinted or non-burnished; tilt-up concrete panels that are unadorned or untextured; and prefabricated steel panels.
4. Front Facade Orientation. The front facade shall not be oriented to face directly toward a parking lot.
5. Front Facade Openings. A minimum of 30 percent of the front facade on the ground floor of commercial buildings shall consist of window or door openings, allowing views into and out of the interior of the building.
- c. Primary Entrance Design Elements. In order to make the primary entrance architecturally prominent and clearly visible from the abutting street, at least three (3) of the following design elements are required at the primary entrance:
 1. Architectural details such, but not limited to, arches, friezes, tilt work, murals, or moldings.
 2. Integral planters or wing walls that incorporate landscaping or seating.
 3. Enhanced exterior lighting fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 4. Prominent three-dimensional features such as belfries, chimneys, clock towers, domes spires, steeples, towers, or turrets.
 5. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight (8) inches or architectural or decorative columns.
- d. Roofs.
 1. Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they are not visible from a point five (5) feet and six (6) inches above grade at the property line.
 2. Screening materials must match the materials and colors used on the main building.
 3. Chain-link fence may not be used as a screening material.
- e. No Residential at Street Level for Retail. For areas designated as commercial space on the Regulating Plan in the Town Center Area 1, residential use is not permitted on the street.
- f. Civic Buildings. Civic buildings, including buildings owned or leased by the City, shall be designed so as to be:
 1. Architecturally significant;
 2. A focal point for the area; and
 3. To reinforce their position as an important place in the Town Center.
11. *Retail Frontage Street* Buildings. In addition to the other requirements of Subsection (C)(10) above, buildings along the Retail Frontage Street shall:
 - a. Include retail, restaurant and entertainment uses that are permitted and preferred along the Retail Frontage Street designated on the Regulating Plan.

- b. Include ground level retail, hotel, restaurant, entertainment, and other commercial and public-oriented uses that generate pedestrian activity;
 - c. Include storefronts that are predominantly transparent (minimum 30 percent) of ground level facade in glass windows and entries at frequent intervals (no greater than 50 feet along the building frontage);
 - d. Incorporate adequate provisions for shade and pedestrian shelter;
 - e. Provide direct access to pedestrian passage and to convenient surface and/or structured parking which shall be located away from the predominant public view along this frontage;
 - f. Be designed with continuous storefronts (within the developable areas of the Retail Frontage Street), exclusive of streets, pedestrian access, and other public gathering places; and
 - g. Hotels shall be permitted along the Retail Frontage Street provided that there are no rooms intended for lodging and no meeting rooms located on the street frontage on Retail Frontage Street.
12. *Height.* All buildings and structures in the Town Center Area 1 shall have the following height regulations:
- a. Minimum Height: Two (2) floors or 24 feet.
 - b. Maximum Height:
 - 1. General Requirement. Five (5) floors or 75 feet, whichever is less.
 - 2. Exception to General Requirement. In order to promote variation and hierarchy, taller buildings may be permitted if it is demonstrated to the Planning and Zoning Commission that buildings with such additional height (e.g., hotels):
 - a. Reinforce the form and structure of the Town Center, by creating visual gateways, termini, focal points, etc.;
 - b. Provide a harmonious scale transition to adjacent development;
 - c. Are sufficiently spaced from other taller buildings to remain the exception rather than the rule;
 - d. Do not exceed a floorplate of 25,000 gross square feet above the fifth floor; and
 - e. Are treated in a way that will promote a unique architectural identity that is in scale with the community (e.g., articulation of building base and middle with distinctive roof silhouette).
13. *Roof Regulations.*
- a. Design Elements.
 - 1. Parapets.
 - a. Parapets with horizontal tops having height changes of at least one (1) foot occurring horizontally no less than every 100 feet.
 - b. Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet.
 - c. All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
 - 2. Sloping roofs must have at least two (2) of the following design elements:
 - a. Slope of at least 5:12.
 - b. Two (2) or more slope planes.
 - c. Overhanging eaves extending at least three (3) feet beyond the supporting wall.
 - b. Materials.
 - 1. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile.
 - 2. Flat roofs may be made of built-up roofing or a membrane roofing system.

- c. Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.
- 14. *Designated Service Areas.* Designated loading and service areas shall not be permitted along the Retail Frontage Street or within 25 feet of residential properties or associated alleys in the Mixed Residential Area.
- 15. *Residential Minimum and Optimum Densities.* A minimum density of 20 dwelling units per acre and an optimum density of 40 dwelling units per acre should be pursued for lots developed for residential use only within the Town Center.
- 16. *Street trees.*
 - a. Shade trees are required to be planted in an orderly fashion along all Town Center Area 1 streets.
 - b. Tree types may be varied by street to create variety.
 - c. Tree spacing shall be generally 35 to 40 feet on center in a regular pattern that creates or reinforces the line of the street.
- 17. *Sidewalks.* Sidewalks along the Retail Frontage Street and other primary circulation routes within the Town Center Area 1 shall have a minimum width of 12 feet, except that the waivers may be granted by the Commission for a reduction to a minimum of 8 feet when it is determined that certain conditions would make such reduction appropriate for the design of the project.
- 18. *Development to a Human Scale.* Site features including, but not limited to, environmental graphics, lighting, public art and amenities, public and private gathering areas, building facades and landscaping that are located along the Retail Frontage Street and other pedestrian-oriented areas shall be designed to a human scale.
- 19. *Design Integration.* A site development applicant shall demonstrate to the Administrator how the design of a proposed development can be integrated with the remainder of the Area in compliance with this Town Center Code. The Commission shall have the authority to determine compliance with such standards.
- E. *Lighting.* Town Center Buildings Rear Yard Development Standards. The following standards shall apply to the rear facades and rear yards of Town Center Buildings: Average illumination for parking and loading areas in the rear yard must be a minimum of 0.5 foot-candle and a maximum of 4.0 foot-candles. Posts for Parking Lot lights must not exceed 18 feet in height. Only metal halide lights are permitted, unless otherwise approved by the Administrator. All outdoor lighting fixtures shall be fully shielded light fixtures. All light fixtures shall be located, aimed, and/or shielded so as to prevent stray light from trespassing across property boundaries. The use of laser source light of any similar high intensity light, including searchlights, is prohibited.
- F. *Signage:* See Cedar Park Code of Ordinances, Chapter 13, Sign Regulations.
- G. **Parking Regulations.**
 - 1. *Required Parking.* The required parking for a use may be located anywhere in the Town Center Area 1. Community parking facilities are encouraged.
 - 2. *Shared Parking and Adjacent On-Street Parking.* Any shared parking or adjacent on-street parking may apply toward the minimum parking requirements.
 - 3. *Surface Parking Lots.* Surface parking lots are permitted provided the lots:
 - a. Do not front on the Retail Frontage Street;
 - b. Are well landscaped with hedges and other types of low planting and screening provided along all street frontages and other public places; and
 - c. Are accessible from secondary streets.
 - 4. *Parking Structures.* Parking structures shall:
 - a. Be provided in general compliance with the Regulating Plan in order to provide for the intended density and mixture of uses shown;

- b. To the greatest extent possible, be encapsulated within or below buildings in a manner that conceals it from predominant public view;
 - c. Not interrupt the continuity of the pedestrian environment;
 - d. Not be situated along the Retail Frontage Street;
 - e. Be positioned to encourage maximum shared use;
 - f. To the maximum extent practicable, incorporate active ground-level uses when frontage on streets other than 183A Toll Road;
 - g. Not be built to have sloping floor elevations occur adjacent to public streets;
 - h. Have entryways and stairways be well lit and visible; and
 - i. Whenever feasible, not front on a public street. The exception shall be along 183A Toll Road.
- 5. *Alleys*. Parking in alleys is prohibited.
 - 6. *Bicycle Parking*. Convenient bicycle parking shall be provided for employees and customers.

H. **Electrical and Communications Infrastructure.**

- 1. *Fiber Optic Cable*. Underground fiber optic cable (or the latest technology equivalent) communications equipment shall be:
 - a. Provided for all development in the Town Center Area 1;
 - b. Shown on all utility plans for this Area; and
 - c. Installed in conjunction with subdivision construction and site development.
- 2. *Electric Service*. Site areas appropriate for outdoor gatherings shall be pre-wired for underground electric service and other events.

I. **Retention Pond.**

- 1. *Requirement*. A retention pond shall be required to be installed with approximately the same size and in the same approximate location as shown on the Regulating Plan (parcel #2 and parcel #14).
- 2. *Slope Conditions*. Slope conditions adjacent to the pond are required to be not greater than 5:1 in order to promote a pedestrian friendly environment.

Sec. 11.02.02.07 Town Center Area 2

A. **Permitted Uses.** The following uses shall be permitted within Town Center Area 2:

- 1. *Commercial Uses*. Unless otherwise prohibited, all uses permitted within the General Business (GB) district are permitted within Town Center Area 2.
- 2. *Civic Uses*.
- 3. *Open Spaces*.
 - a. Conservation areas;
 - b. Outdoor recreational/athletic facilities;
 - c. Outdoor swimming pools;
 - d. Parks, playgrounds, and related amenities;
 - e. Streams, lakes, impounded waterways, and their drainage ways;
 - f. Clubhouses and community centers;
 - g. Off-street parking areas; and
 - h. Pedestrian and bicycle trails.

- B. **Site Development Regulations.** The Code of Ordinances and all other site development standards and requirements of the City apply to and govern Town Center Area 2.

Sec. 11.02.02.08 Neighborhood Commercial Area

- A. **Purposes.** The Neighborhood Commercial Area is designed to:

1. Contain retail, commercial, civic, and limited residential uses to meet the needs of community residents;
2. Include a concentration of retail services, including shops, restaurants, cafes, and restaurant venues;
3. Attract office and multifamily residential development all oriented to the public framework of streets and open spaces;
4. Be pedestrian-oriented to encourage pedestrian movement between the Mixed Residential Area and the Neighborhood Commercial Area; and
5. Create useable open space to be an integral component of the Area.

- B. **Permitted Uses.** The following uses shall be permitted within the Neighborhood Commercial Area:

1. *Residential Uses.*
 - a. Condominiums; and
 - b. Multifamily residential.
2. *Commercial Uses.*
 - a. Unless otherwise prohibited, all uses permitted within a General Business (GB), Neighborhood Business (NB), Local Business (LB), or Multifamily (MF) Zoning District are permitted within the Neighborhood Commercial Area;
 - b. Indoor kennels;
 - c. Car washes; and
 - d. Drive through commercial uses.
 - e. A minimum of 40 percent of the building square footage in the Neighborhood Commercial Area shall be comprised of retail, personal services, and/or restaurant uses.
3. *Civic Uses.*
4. *Open Space.*
 - a. Conservation areas;
 - b. Outdoor recreational / athletic fields;
 - c. Outdoor swimming pools;
 - d. Parks, playgrounds, and related amenities;
 - e. Streams, lakes, impounded waterways, and their drainage ways;
 - f. Clubhouses and community centers;
 - g. Off-street parking areas; and
 - h. Pedestrian and bicycle trails.

- C. **Site Development Regulations.**

1. *Setbacks.* Except as set forth in Subsection (C)(2), *Residential Buffer Areas* below there shall be no required minimum setbacks within the Neighborhood Commercial Area.
2. *Residential Buffer Areas.* Notwithstanding the above, a 25 foot landscaped area and building setback line shall be required for property in the Neighborhood Commercial Area that abuts Discovery Boulevard, New Hope Drive, and/or 183A Toll Road, and in any Residential Buffer Area.

3. *Mixed Use.* Residential units are permitted above or behind a commercial use and are secondary to that commercial use.
4. *Automobiles.* Automobiles shall be accommodated in a manner that provides for convenience but does not undermine the integrity of the public environment or the quality of the pedestrian realm.
5. *Alcohol.* Sale or consumption of alcoholic beverages is permitted only within areas set forth in and subject to the provisions of this Chapter 11, the Code of Ordinances, and applicable state statutes.
6. *Residential Elevations.* A residential use with street level living space shall have a finished first floor elevation not less than 24 inches above the elevation of the curb along the Lot frontage except when such requirement shall result in a slab elevation exceeding 48 inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is 48 inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree. The elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the principal dwelling structure.
7. *Location of Unsightly Equipment.* Dumpsters, mechanical equipment, storage areas and areas used for refuse collection:
 - a. Shall be located so as to not detract from public use areas;
 - b. Are not allowed in a residential buffer area.
8. *Facades.*
 - a. All sides of a building that are visible from a public street, public gathering area or green shall be compatible with or equivalent to the architectural features, materials and the articulation of the front facade of the building.
 - b. A minimum of 30 percent of the front facade on the ground floor of commercial buildings shall consist of window or door openings, allowing views into and out of the interior of the building.
9. *Height.*
 - a. The maximum height of Neighborhood Commercial Area buildings shall be the lesser of three (3) stories or 40 feet in height; provided, however, the maximum height of any portion of a neighborhood center area building in a residential buffer area shall be 18 feet.
 - b. The height of Neighborhood Commercial Area buildings shall provide a harmonious scale transition to adjacent development and shall be treated in such a way that will promote a unique architectural identity that is in scale with the community (e.g., articulation of building base and middle with distinctive roof silhouette).
10. *Roof Regulations.*
 - a. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile.
 - b. Flat roofs may be made of built-up roofing or a membrane roofing system.
 - c. Principal pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 5:12. Porch and stoop roofs may be 2:12 minimum pitch.
 - d. Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.
11. *Street Trees.*
 - a. Shade trees planted in an orderly fashion along all Neighborhood Commercial streets are required.
 - b. Tree types may be varied by street to create variety.
 - c. Tree spacing shall be a minimum of 40 feet in a regular pattern that creates or reinforces the line of the street.

12. *Landscape Standards.* The Neighborhood Commercial Area shall comply with all landscaping ordinances pursuant to the Code of Ordinances.
13. *Tree Preservation.* The layout of the Neighborhood Commercial Area shall be designed in such a manner as to maximize preservation of existing trees on the site. Additionally, the existing tree clusters shall:
 - a. Serve as a focal point of the site design;
 - b. Utilized as either public or private open space; and
 - c. Be designed with features and amenities that are conducive to public gathering.

14. *Design Integration.*

- a. A site development applicant shall demonstrate:
 1. How the design of a proposed development can be integrated with the remainder of the Area in compliance with the Town Center Code and Regulating Plan: and
 2. Perform to the standards set forth in this Division.
- b. The Commission shall have the authority to determine compliance with such standards.

E. **Parking Regulations.** All parking requirements shall be in accordance with current Code of Ordinances, with the following exceptions:

1. *Required Parking.* The required parking for a use may be located anywhere in the Neighborhood Commercial Area. Community parking facilities are encouraged.
2. *Shared Parking and Adjacent On-Street Parking.* Any shared parking or adjacent on-street parking may apply toward the minimum parking requirements.
3. *Alleys.* Parking in Alleys is Prohibited.
4. *Bicycle Parking.* Convenient bicycle parking shall be provided for employees and customers in accordance with the existing provisions required for a (GB) General Business Zoning District.

F. **Access to Mixed Residential Area.** Public access between the Mixed Residential Area and the Neighborhood Commercial Area shall be incorporated into the site design of the Neighborhood Commercial Area.

Sec. 11.02.02.09 Restrictive Covenants

A. **Filing Required.** Conditions, covenants, and restrictions for the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area shall be filed in the county real property records before a:

1. Final plat may be approved;
2. Lot is sold; or
3. Building permit issued.

B. **Requirements for Proper Filing.** The conditions, covenants, and restrictions shall:

1. Create one (1) or more Property Owners Associations (POA) with mandatory membership for each property owner;
2. Provide for the ownership, development, management, and maintenance of private open space;
3. Be effective for a term of not less than 50 years;
4. Require that the Property Owners Association obtain the approval of the Administrator regarding
 - a. The disposition and management of Private Open Space before it may be dissolved; and
 - b. Amendments to the Conditions, Covenants, and Restrictions, which relate to provisions of this Division.

Sec. 11.02.02.10 Development Procedures

- A. **Generally.** Preliminary plans and final plats will follow the same procedures as conventional projects, but the City will expedite review of such.
- B. **Regulating Plan.** The Regulating Plan, which also constitutes the Concept Plan:
1. Includes the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area on one (1) plan which also constitutes the concept plan.
 2. Reflects a general projection of land uses to be representative of the mixture of land uses, their locations and their approximate intensities.
 3. Shall contain the following general information:
 - a. Location and sizes of the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area;
 - b. A general description of land use categories and intensities;
 - c. Locations of civic uses;
 - d. Location and size of Limited Commercial Overlay areas in the Mixed Residential Area;
 - e. General layout of the major transportation network, including street types in accordance with this Town Center Code;
 - f. Approximate locations and sizes of private open space and public open space;
 - g. General locations of retention ponds;
 - h. Location of the retail frontage street within the Town Center Area 1; and
 - i. General locations of traffic calming measures.
- C. **Site Development and Subdivision Review.**
1. *Conceptual Design Review.* The approval process for conceptual design review shall include review of the following:
 - a. A bubble plan for the site; and
 - b. Comprehensive design elements of the structures and site, including, but not limited to the following:
 1. Elevations;
 2. Building materials;
 3. Fenestration;
 4. Environmental graphics;
 5. Public art;
 6. Public amenities;
 7. Landscaping and tree preservation;
 8. Streetscape amenities (including the ratio of building height to width of the street);
 9. Relationship to adjacent uses; and
 10. Vertical integration of uses.
 2. *Site Plan Review.* A site plan review will be required for the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area.
 3. *Consolidated Review.* Subdivision and site plan review of the Town Center Area 1 and the Neighborhood Commercial Area shall be a consolidated review process.
 - a. Subdivision review and approval shall occur concurrently with site plan review and approval.

- b. Additional and/or revised zoning standards may be considered by the City Council prior to site plan and subdivision approval.
- c. Replatting is permitted subsequent to such approvals if in compliance with the Ordinance and the approved site plan.

D. Revisions to the Town Center Code.

1. *Minor Revisions.* The Administrator may approve minor revisions to the Town Center Code if the Administrator determines that there are no adverse effects to:
 - a. Areas that are part of a final plat; or
 - b. The overall intent of the Town Center Code.
 - c. The following shall be considered as minor revisions:
 1. The size or configuration of a Town Center Area, Town Center Area 2, Neighborhood Commercial Area or Mixed Residential Area may be revised if the Administrator determines that the basic layout of the District remains the same and the Regulating Plan functions as well as before the revision.
 2. Land uses and land use intensities designated on the Regulating Plan may be revised so long as the basic layout of the District remains the same and the Regulating Plan functions as well as before the revision.
 3. The location or size of a Civic Use may be revised if the Administrator determines that the revised location or size is appropriate.
 4. The location of a commercial use in a Mixed Residential Area may be revised if the Administrator determines that the revised location is appropriate.
 5. The location of Public Open Space, including Parkland dedication, may be revised if the Administrator determines that the revised location is appropriate.
 6. The locations of major utility facilities and easements may be revised if the Administrator determines the revised locations are more functional or appropriate.
 7. The location, classification and frontage type of streets may be modified if such modifications are deemed to be appropriate by the Administrator.
 8. Other adjustments to the Regulating Plan that the Administrator deems a minor revision.
 9. Allowing front-loaded Single Family Attached Residential and Single Family Detached Residential (that is, not requiring an Alley) within reasonable criteria which address density, adequate on-site parking, and site engineering considerations.
 10. Minor changes which do not substantially change the Town Center Code or the Regulating Plan, may be approved administratively, if approved in writing, by the Administrator.
2. *Major Revisions.* Any major revision or change to the Town Center Code and/or the Regulating Plan which is not categorized as a "minor revision" above or otherwise deemed a "minor revision" by the Administrator shall be approved following the City's procedure for a zoning change. Adding land area to the District is considered a major revision.
3. *Notice.* Any required notification of surrounding property owners for major revisions to the Regulating Plan and/or the Town Center Code shall be limited to notification of property owners within 200 feet of the boundaries of the specific lot or parcel that is subject to the revision and shall not apply to the District or Area as a whole. No notification shall be required for minor revisions to either the Town Center Code or the Regulating Plan.

Sec. 11.02.02.11 Definitions

For the purposes of this Town Center Code (Town Center), the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Division 11.02.02, *Town Center Code*.

Apartment House and Apartments: A building, or portion thereof, which is designed or occupied as the home or residence of more than two (2) households living independently of each other and doing their own cooking in the building, and includes flats and other multifamily dwellings.

Area: Area may refer to the Town Center Area, Town Center Area 2, Neighborhood Commercial Area, or the Mixed Residential Area.

Arts and Crafts Workshop: Places associated with artistic endeavors such as but not limited to a painter's studio and sculptor's gallery. Artistic endeavors are limited to those uses that do not emanate excessive noise; noxious fumes; or vibrations.

Boutique Retail: Small-scale shops with less than 2,500 square feet of gross floor area such as an antique store or art gallery.

Civic Uses: The use of a parcel of land for one (1) or more of the following purposes:

- Administrative and business offices used by a governmental entity;
- Park and recreation services;
- College and university;
- Cultural services;
- Postal facility usage;
- Private and public primary and secondary educational uses;
- Public assembly use;
- Safety and medical services; and
- Transportation terminal uses.

Corner Grocery: Grocery or specialty food store with no more than 2,500 square feet of gross floor area.

CPTC Development Agreement: An agreement by and between the City of Cedar Park and V-S Cedar Park, Ltd., dated December 20, 2001, as amended by the First Amendments to [the] Development Agreement, executed by and among the City, VSCP, and Continental Homes of Texas, L.P. ("Continental"), dated May 15, 2003, and as further amended by the Second Amendment to [the] Development Agreement executed by and among the City, VSCP, and Continental executed concurrently with or pursuant to the adoption of this Town Center Code.

Environmental Graphics: Signage and graphics used in an exterior setting for identifying uses, providing direction and information and for decorative purposes, including banners and flags, and whether for temporary or permanent display.

Facade Wall: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in a direction within 45 degrees of one another, they are considered as part of a single facade wall.

Front Facade: The side of the building that provides the primary entrance into the building.

Front Facade Wall: The Facade Wall containing the primary entrance to the building. If two (2) or more Facade Walls have entrances of equal significance, each facade wall will be considered a "Front Facade Wall."

Home Office: Office with home owner as the sole business proprietor with no employees

Limited Commercial Overlay: Areas within the Mixed Residential Area, which are designated on the Regulating Plan, that allows for development of (or for conversion at a later time of existing residential uses), Limited Lodging, Limited Office, and/or Limited Commercial use, as defined in this Town Center Code.

Limited Food Service: Retail use including small cafes and coffee shops with no more than 2,500 square feet of gross floor area.

Limited Lodging: Buildings for short-term human habitation including bed and breakfast lodging establishments or guest cottages that are also owner occupied.

Low Maintenance Materials: Vinyl, painted wood, and wrought iron.

Mixed-Use: Any use of a lot or tracts of land for more than one (1) permitted use.

Multifamily: Any use of lots or tracts of land on which three (3) or more dwelling units are built within one (1) building.

Neighborhood Commercial: Video rental stores, pharmacy, or clothes cleaning agency with no more than 2,500 square feet of gross floor area.

Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, which may include floodplain and wetland areas, within a development area and intended for the use and enjoyment of residents of the development area and, where designated, the community at large.

Open Style Fence: A fence designed to enclose a private yard, which abuts a Park, Green or Alley. The required features of this fence include the ability to see through the fence [a minimum of 40 percent of the fence surface area shall be open] and construction of low maintenance materials. Low maintenance materials include vinyl, painted wood or wrought iron.

Parkland: An open area, including improvements, which is dedicated to the City pursuant to this Town Center Code or Code of Ordinances, as applicable to meet City parkland dedication requirements.

Parcel: A generalized land unit of the Town Center, which is graphically portrayed on the Regulating Plan and is designated with a land use and intensity of use. A parcel may or may not be further subdivided during the subdivision process into lots and streets.

Plaza: A plaza is an open area adjacent to, or part of, a civic building or facility. Plazas function as gathering places and may incorporate a variety of temporary activities such as vendors and display stands. Landscaping for a Plaza contains durable pavement and includes formal tree plantings.

Property Owners Association: An organization made up of the property Owners in the area, which is responsible for maintenance of private streets, Alleys, and the Open Spaces not conveyed to the City, and which shall have the authority to make and collect assessments sufficient to operate and maintain private streets, Alleys and Open Spaces.

Rear Facade Wall: The Facade Wall containing service areas.

Regulating Plan: The general development plan for adoption of zoning and concept plan for the Cedar Park Town Center.

Residential Accessory Dwelling: An additional dwelling unit located:

1. within the principal dwelling structure of the lot;
2. in a freestanding building within the same lot as the principal dwelling structure; or
3. above a residential garage.

Residential Buffer Area: A portion of either the Town Center Area 1 or the Neighborhood Commercial Area which abuts or adjoins:

1. the Mixed Residential Area and which is within 40 feet of a lot upon which is built or may be built
 - a. a single family attached residential building or
 - b. a single family detached residential building; or
2. parkland;

Retail Frontage Street: The public street within the Town Center Area 1 designated on the Regulating Plan on which retail, restaurant, hotel, entertainment, and other commercial uses promoting public interaction and pedestrian activity are the intended uses.

Side Facade Wall: Any facade wall that is not a front facade wall or a rear facade wall.

Single Family Attached Residential:

1. The use of a series of sites for
 - a. two (2) or more dwelling units,
 - b. constructed with common or abutting walls; and
 - c. each located on a separate ground parcel within the total development site.
2. Condominiums and Townhouses can both be implemented as single family attached residential.
3. Multifamily is not single family attached residential.

Single Family Detached Residential: The use of a lot for one (1) dwelling unit with no common or abutting walls with another dwelling unit.

Studio Office: Office where there is no more than two (2) employees.

Temporary Construction Site Office: Temporary buildings used for uses incidental to construction work on the premises which shall be:

1. removed upon completion or abandonment of the construction work; and
2. for which no temporary living quarters shall be permitted.

Temporary Home Sales Office: Temporary office buildings used as a sales office for the development of a new subdivision or for construction purposes established and operated within a subdivision or a construction site.

Townhouse: A single family attached residential dwelling, located on its own separate lot, having a common wall with or abutting one (1) or more adjoining dwelling units in a townhouse group.

Townhouse Group: Two (2) or more contiguous townhouses within a contiguous development.

Division 11.02.03 Land Uses

Sec. 11.02.03.01 Generally

The tables in this Division describe which land uses are a Permitted Use, Conditional Use, Special Use, and Prohibited Use, as defined below.

Sec. 11.02.03.02 Legend

- A. **Using the Tables.** The tables in this Section list the applicable land uses in rows, organized by general land use category. The zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, conditional, special, or prohibited in the district, as stated below.
- B. **Symbols.** All the tables in this section use the following symbols:
1. "P" means that the land use is permitted by right in the specified zoning district.
 2. "C" means that the land use is a Conditional Use, which is permitted, subject to the applicable conditional use standards provided in Division 11.02.04, *Conditional and Special Uses*.
 3. "S" means that the use is allowed only as a Special Use, which may be approved only after a public hearing and consideration by the Planning and Zoning Commission and a subsequent public hearing and determination by the City Council, and are subject to:
 - a. The applicable special use standards for the specified use, as stated in Division, 11.02.04, *Conditional and Special Uses*; and
 - b. The procedures stated in Subsec. 11.06.03.02.04, *Special Use Permit*.
 4. "-" means that the use is a Prohibited Use in the specified zoning district.

Sec. 11.02.03.03 Residential Uses by Zoning District

Table 11.02.03.03 Residential Uses by Zoning District																					
Land Use	Standards Reference	Zoning Districts																			
		Interim	Residential						Nonresidential										Mixed Use Districts		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	
	Legend: P = Permitted; C = Conditional; S = Special Use; - = Prohibited																				
Accessory Dwelling Unit	Sec. 11.02.04.02(1)	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Apartment	Sec. 11.02.04.02(8)	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Bed and Breakfast Facility	Sec. 11.02.04.02(12)	C	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	C	C
Community Garden	Sec. 11.02.04.02(16)	C	C	C	C	C	C	-	-	-	-	-	-	-	-	C	C	C	C	C	-
Community Home	Sec. 11.02.04.02(17)	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	-
Dwelling, Duplex		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Single Family		P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**Table 11.02.03.03
Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																				
		Interim	Residential						Nonresidential											Mixed Use Districts		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
Legend: P = Permitted; C = Conditional; S = Special Use; - = Prohibited																						
Family Home	Sec. 11.02.04.02(25)	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Home Occupation	Sec. 11.02.04.02(30)	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C	
Industrialized Home	Sec. 11.02.04.02(33)	C	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Manufactured Home	Sec. 11.02.04.02(34)	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Mobile Home		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Townhome	Sec. 11.02.04.02(48)	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

Sec. 11.02.03.04 Nonresidential Uses by Zoning District

**Table 11.02.03.04
Nonresidential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Interim	Residential					Nonresidential											Mixed Use District		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA
Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																					
Adult Day Care	Sec. 11.02.04.02(2)	-	-	-	-	-	-	C	C	C	-	-	-	-	C	C	-	-	-	-	-
Agricultural Support Service		P	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Airport		-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-
Alcoholic Beverage Establishment	Sec. 11.02.04.02(3)	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	-	-	C	C	C
Alcoholic Beverage Sales, Off-Site Consumption	Sec. 11.02.04.02(4)	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-	-	C	C	C
Amenity Center		P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Animal Grooming	Sec. 11.02.04.02(5)	-	-	-	-	-	-	C	C	P	-	P	P	P	-	-	-	-	C	C	-
Animal Veterinary Service, Large Animal	Sec. 11.02.04.02(6)	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
Animal Veterinary Service, Small Animal	Sec. 11.02.04.02(7)	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	-	S	-	-
Apiary		P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Archery Range		-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-
Art Studio, Gallery		-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	P	P	P

**Table 11.02.03.04
Nonresidential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Interim	Residential					Nonresidential											Mixed Use District		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA
Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																					
Assisted Living, Congregate or Respite Care		-	-	-	-	-	S	-	-	-	-	-	-	-	P	-	-	-	S	-	-
Automobile, Major Repair and Service		-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Automobile, Minor Service	Sec. 11.02.04.02(9)	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	-	-	-
Automobile, Rental	Sec. 11.02.04.02(10)	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	-	-	-
Automobile, Sales		-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-
Bank, Credit Union, and Financial Institution	Sec. 11.02.04.02(11)	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	C	C	-
Broadcasting Center	Sec. 11.02.04.02(13)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	C	-	-
Bus or Taxi Depot/Transit Station		-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-
Caretaker or Guard Residence	Sec. 11.02.04.02(14)	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-
Car Wash	Sec. 11.02.04.02(15)	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-
Cemetery / Columbarium		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Civic Club		-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	-
College, University or Vocational School		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P	P
Commercial Parking Lot		-	-	-	-	-	-	-	-	-	S	-	S	-	-	-	-	-	S	-	-
Commissary		-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-
Concrete, Mortar, and Asphalt Batching Operations, Permanent		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction Sales and Services	Sec. 11.02.04.02(18)	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-
Contractor's Shop/Storage Yard		-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Craft Brewing / Distillery / Winery Production with On-Premise Consumption	Sec. 11.02.04.02(19)	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	C	C
Credit Access Business	Sec. 11.02.04.02(20)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-
Crematory		-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Data Center		-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P	-
Day Care Center	Sec. 11.02.04.02(21)	-	-	-	-	-	-	-	C	C	C	-	-	-	-	C	C	-	-	C	C

**Table 11.02.03.04
Nonresidential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																					
		Interim	Residential						Nonresidential												Mixed Use District		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC	
Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																							
Day Care Center, Incidental	Sec. 11.02.04.02(22)	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	-	C	C	C	C		
Drug Store	Sec. 11.02.04.02(23)	-	-	-	-	-	-	C	C	P	P	-	-	-	P	-	-	-	C	C	-		
Extraction (Gas, gravel, minerals, oil, or sand)	Sec. 11.02.04.02(24)	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-		
Farm / Ranch		P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Flea Market		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Food Processing	Sec. 11.02.04.02(26)	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		
Fortune Teller/Psychic	Sec. 11.02.04.02(27)	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-		
Funeral Home or Mortuary		-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-		
Gasoline Service Station	Sec. 11.02.04.02(28)	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-		
Government Facility (Outdoor Operations)		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-		
Government Office		-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	P	P		
Grocery	Sec. 11.02.04.02(29)	-	-	-	-	-	-	C	C	P	-	P	-	-	-	-	-	-	C	C	C		
Gym		-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	P	P	P	-		
Head Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Heavy Industry		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Heliport (Accessory)		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-		
Hospital Services	Sec. 11.02.04.02(31)	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-		
Hotel	Sec. 11.02.04.02(32)	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C	C	C		
Indoor Arena or Theater		-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	P	P	P	P		
Indoor Commercial Amusement		-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-	P	P	P		
Kennel		-	-	-	-	-	-	-	-	S	-	P	P	P	-	-	-	-	-	-	-		
Landfill (Disposal)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Laundromat		-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P	-		
Lumberyard, Wholesale		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		
Manufactured Home Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Manufacturing and Fabrication, General		-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-		

**Table 11.02.03.04
Nonresidential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																					
		Interim	Residential						Nonresidential												Mixed Use District		Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC	
Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																							
Manufacturing and Fabrication, Light		-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-			
Massage, Unlicensed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Medical Clinic		-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	-	-	-			
Medical Office		-	-	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	P	P			
Mobile Food Establishment Court		-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	S	S			
Museum		-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	P	P			
Non-Emergency Transport Service		-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-			
Nursery / Greenhouse, Retail	Sec. 11.02.04.02(35)	-	-	-	-	-	-	-	-	C	-	P	P	-	-	-	-	-	-	-			
Nursery / Greenhouse, Wholesale		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-			
Nursing or Convalescent Home		-	-	-	-	-	S	-	-	-	-	-	-	-	P	-	-	-	S	-			
Office, General		-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P			
Office/Showroom/Warehouse		-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-			
Outdoor Arena, Stadium or Amphitheater	Sec. 11.02.04.02(36)	-	-	-	-	-	-	-	-	S	-	S	S	-	-	P	-	P	S	S			
Outdoor Commercial Amusement	Sec. 11.02.04.02(37)	-	-	-	-	-	-	-	-	S	-	S	S	-	-	-	-	-	S	S			
Outdoor Recreation (Athletic Fields/Facilities)	Sec. 11.02.04.02(38)	C	C	C	C	C	C	-	-	-	-	-	-	-	-	P	-	P	C	C			
Outdoor Recreation (Park, Playground)		P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	P	P	P	P			
Outdoor Storage / Sales or Display (Primary Use)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Paintball Course	Sec. 11.02.04.02(39)	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	-	C	-	-			
Parking Garage (Primary Use)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P			
Pawnshop		-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-			
Personal Services		-	-	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	P	P			
Place of Public Assembly		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P			
Power or Solid Waste Energy Recovery Plant		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-			
Print Shop	Sec. 11.02.04.02(40)	-	-	-	-	-	-	C	P	P	-	P	-	-	-	-	-	-	-	-			
Private School (Grades K-12)		-	S	S	S	S	S	P	P	P	P	S	S	S	S	S	-	-	S	S			
Public School (Grades K-12)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			

**Table 11.02.03.04
Nonresidential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																				
		Interim	Residential						Nonresidential												Mixed Use District	Overlay District
			DR	ES	SR	SU	UR	MF	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																						
Reception/Banquet Hall		-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	
Recreational Vehicle Park		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	
Recreational Vehicle Sales and Service		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Processing and Collection		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Research, Testing Lab, or Product Development	Sec. 11.02.04.02(41)	-	-	-	-	-	-	-	-	C	C	C	P	P	P	-	-	-	-	C	-	
Restaurant, Dine-In Only	Sec. 11.02.04.02(42)	-	-	-	-	-	-	-	C	C	C	C	C	-	-	C	-	-	C	C	C	
Restaurant, Drive-In or Drive Through	Sec. 11.02.04.02(43)	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-	-	S	S	-	
Retail Sales	Sec. 11.02.04.02(44)	-	-	-	-	-	-	-	C	C	C	-	C	-	-	-	-	-	C	C	C	
Salvage Facility and Yard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Self-Storage Facility	Sec. 11.02.04.02(45)	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	
Sexually Oriented Business	Sec. 11.02.04.02(46)	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Sport Shooting Range		-	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	-	-	-	-	
Stone Cutting		-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Tattoo Parlor / Body Piercing Studio	Sec. 11.02.04.02(47)	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	
Transportation Terminal	Sec. 11.02.04.02(49)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	
Utility Services, General		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Services, Major	Sec. 11.02.04.02(50)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Vending Kiosk	Sec. 11.02.04.02(51)	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	C	-	-	
Warehouse and Distribution	Sec. 11.02.04.02(52)	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-	
Wireless Telecommunications Facilities, Building Mounted	Sec. 11.02.04.02(53)	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	C	C	C	
Wireless Telecommunications Facility	Sec. 11.02.04.02(54)	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	
Wrecker, Impound Yard		-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	

Sec. 11.02.03.05 Temporary Uses

	Table 11.02.03.05 Temporary Uses by Zoning District																			
Land Use	Standards Reference		Zoning Districts																	
		Interim / Residential						Nonresidential										Mixed Use Districts		Overlay District
		DR	ES	SR	SU	UR	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
	Legend: P = Permitted C = Conditional S = Special Use - = Prohibited																			
Model Home / On-Site Real Estate Office	Sec. 11.02.04.03	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C
Portable Storage Unit	Sec. 11.02.04.03	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Construction Building	Sec. 11.02.04.03	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Construction Dumpster	Sec. 11.02.04.03	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Construction Yard	Sec. 11.02.04.03	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Sec. 11.02.03.06 Unlisted or Functionally Similar Uses

A. Authorization of Unlisted Use.

- The Administrator may authorize a use in a zoning district if:
 - A proposed use is not specified in Sec. 11.02.03.03, *Residential Uses by Zoning District*, Sec. 11.02.03.04, *Nonresidential Uses by Zoning District*, or Sec. 11.02.03.05, *Temporary Uses*; and
 - The Administrator has made a determination that the use is either a subcategory of or is functionally similar to a permitted, conditional, special, or temporary use.
- An authorized use under this Section shall comply with all regulations that apply to the use of which the authorized use is a subcategory or to which it is functionally similar.

B. **If Not Authorized, Then Prohibited.** If the Administrator determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, conditional, special, or temporary use, then the use is a prohibited use.

C. **Decision Criteria.** The Administrator shall determine whether a proposed use is a subcategory of, or is functionally comparable to, a permitted, conditional, special, or temporary use based on relevant considerations, including the following:

- Nature of use and whether it involves dwelling units, sales, processing, storage, employment, etc.
- Parking demand;
- Average daily and peak hour trip generation (cars and trucks);
- Noise;

5. Lighting;
6. Dust;
7. Odors;
8. Solid waste generation;
9. Potentially hazardous conditions, such as projectiles leaving the site;
10. Use and storage of hazardous materials;
11. Character of buildings and structures; and
12. Hours of operation.

Division 11.02.04 Conditional and Special Uses

Sec. 11.02.04.01 General Provisions

- A. **Applicability.** A Conditional Use (C) or a Special (S) Use Permit may be granted where authorized pursuant to Table 11.02.03.03, *Residential Uses by Zoning District*, Table 11.02.03.04, *Nonresidential Uses by Zoning District* and Table 11.02.03.05, *Temporary Uses by Zoning District* to certain land uses that are not a Permitted Use in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan. Special Use Permits shall provide a means whereby proposals for such land uses may be examined on a case-by-case basis to determine whether, and under what conditions, these uses may be permitted.
- B. **Procedure.**
1. Conditional Uses shall be allowed if the standards and conditions stated in Sec. 11.02.04.02, *Conditional and Special Use Standards and Conditions* are met.
 2. Special Uses may only be approved following a public hearing and recommendation by the Planning and Zoning Commission and a subsequent hearing and decision by the City Council. The Special Use approval process stated in Section 11.06.03.02, *Public Hearing Approvals*, which allows for certain land uses that are not permitted by right to be granted approval in some zoning districts subject to the standards and conditions stated in Sec. 11.02.04.02, *Conditional and Special Use Standards and Conditions* and Subsec. 11.06.03.02.04 *Special Use Permit*. If there are special uses identified in Division 11.02.03, *Land Uses*, that are not included in this Division, all applicable standards of this Ordinance and all conditions of approval that may be recommended by the Planning and Zoning Commission and determined by the City Council shall apply.
 3. There shall be no variances considered with regard to the regulations set forth herein.

Sec. 11.02.04.02 Conditional and Special Use Standards and Conditions

In accordance with the land use designations noted in Table 11.02.03.03, *Residential Uses by Zoning District*, Table 11.02.03.04, *Nonresidential Uses by Zoning District* and Table 11.02.03.05, *Temporary Uses by Zoning District*, the following uses are permitted as Conditional Uses or may be considered as Special Uses if the following requirements are met:

1. **Accessory Dwelling Unit**, is permitted subject to the following conditions:
 - a. The Accessory Dwelling Unit is accessory to a residential dwelling unit, and cannot be a manufactured home; and
 - b. All requirements of Sec. 11.04.02.02, *Accessory Dwelling Units*, are met.

2. **Adult Day Care**, is permitted subject to the following conditions:
 - a. The operator for the use meets all certification, licensing, and/or monitoring requirements as per the Texas Human Resources Code, Chapter 103, *Day Activity and Health Services*.
3. **Alcoholic Beverage Establishment**, is permitted subject to the following conditions:
 - a. The use is in compliance with the Texas Alcoholic Beverage Code; and
 - b. Pursuant to Sections 109.33, 109.331 and 109.57 of the Texas Alcoholic Beverage Code, the use is not located:
 - i. within 300 feet of a church, public hospital, public school, private school, and/or day-care center or child-care center, in accordance with Texas Alcoholic Beverage Code Section 109.33; or
 - ii. within 1,000 feet of a public school, private school, day-care center, or child care facility if the City Council receives a request from the school district or private school in accordance with Texas Alcoholic Beverage Code Section 109.33, if the establishment receives 50 percent but less than 75 percent of its gross receipts for the premises from the sale or service of alcoholic beverages; or
 - iii. within 1,000 feet of a church, public hospital, public school, private school, and/or day-care center, child-care center, or single family residential zoning district, if the establishment derives 75 percent or more of its gross revenue from the on-premise sale of alcoholic beverages.
4. **Alcoholic Beverage Sales, Off-Site Consumption**, is permitted subject to the following conditions:
 - a. The use is in compliance with the Texas Alcoholic Beverage Code; and
 - b. Pursuant to Section 109.33 of the Texas Alcoholic Beverage Code, the use is not located within
 - i. 300 feet from a church, public hospital, public school, private school, and/or day care center or child care center, in accordance with Texas Alcoholic Beverage Code Section 109.33; or
 - ii. If at any time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements noted above, then the same is deemed to satisfy the distance requirements for all subject renewals of the license or permit.
5. **Animal Grooming**, is permitted subject to the following conditions:
 - a. No operations, including dog runs or recreation areas, are conducted outdoors;
 - b. If the use is located less than 100 feet from any residential zoning district, the building is sound attenuated such that the sound is not audible at the residential property line; and
 - c. If the use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.
6. **Animal Veterinary Services, Large Animal**, is permitted subject to the following conditions:
 - a. If the use is located less than 100 feet from any residential zoning district, the building is sound attenuated such that the sound is not audible at the residential property line;
 - b. Any docks and animal shoots are placed in an interior or rear yard provided that such yard does not face a public street or a residential zoning district; and
 - c. If the use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.

7. **Animal Veterinary Services, Small Animal**, is permitted subject to the following conditions:
 - a. No operations, including dog runs or recreation areas, are conducted outdoors;
 - b. If the use is located less than 100 feet from any residential zoning district, the building is sound attenuated such that the sound is not audible at the residential property line; and
 - c. If the use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.
8. **Apartment**, is permitted subject to the following conditions:
 - a. The use meets the standards of Section 11.03.06.03(G), Garden-Style Apartments in Multifamily District; and
 - b. The use is only permitted on properties zoned Multifamily (MF) as of the effective date of this Ordinance.
9. **Automotive, Minor Service**, is permitted subject to the following conditions:
 - a. All service and repairs are performed within a fully-enclosed building;
 - b. Wrecked or inoperable vehicles are not stored within or outside of the facility;
 - c. Automobile bays are located perpendicular to the public right-of-way; and
 - d. Access is taken from a collector or higher roadway classification.
10. **Automobile, Rental**, is permitted subject to the following conditions:
 - a. All permanent storage of material, merchandise, and equipment, including wrecked vehicles and excluding the display of vehicles for rent, are stored in areas screened from view;
 - b. Access is taken from a collector or higher roadway classification; and
 - c. The office space is no larger than 3,000 square feet.
11. **Bank, Credit Union, and Financial Institution**, is permitted subject to the following conditions:
 - a. Drive through facilities are prohibited in the Mixed Use (MU) district; and
 - b. Drive through facilities are not adjacent to or within 100 feet of a residential zoning district.
12. **Bed and Breakfast Facility**, is permitted subject to the following conditions:
 - a. The facility owner or innkeeper occupies the residence;
 - b. The rental of rooms is on a daily or weekly basis to tourists or vacationers, for which the rental period does not exceed 14 consecutive days in any 30 day period for any such tourist or vacationer;
 - c. No meals are served to the general public;
 - d. There are no more than five (5) guest rooms;
 - e. Each guest room has access to a hall or exterior door;
 - f. The use has been permitted by the Williamson or Travis County Health Department;
 - g. No other bed and breakfast is located within a one-mile radius of the property;
 - h. Access is taken from a collector or higher roadway classification; and
 - i. The minimum lot size is 15,000 square feet.
13. **Broadcasting Center**, is permitted subject to the following conditions:
 - a. The use is an accessory use within educational campuses, governmental facilities and professional sports venues; and
 - b. Building and/or roof-mounted antennas or towers project no higher than 20 percent of the allowable building height in the district in which it is located.

14. **Caretaker or Guard Residence**, is permitted subject to the following conditions:

- a. The use is an accessory use to the principal use of the property; and
- b. The residence has the same architecture as the principal use.

15. **Car wash**, is permitted subject to the following conditions:

- a. It is automatic or full service;
- b. There are no more than three (3) car washing bays;
- c. All mechanical equipment, excluding vacuum units is enclosed within a building;
- d. All facilities are designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential district;
- e. Bay access is oriented to prevent headlights from shining onto any street or abutting a residential district;
- f. If self-service vacuums are provided, a minimum of one (1) parking space per vacuum is required, which will not interfere with site circulation, driveways, or fire lanes;
- g. Access is taken from a collector or higher classification roadway; and
- h. All new full-service vehicle wash facilities, are equipped with, operate, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by the facility, and for existing automobile wash facilities, such system is required as a condition of any permit to:
 - i. Expand the floor area of the vehicle wash facility building by more than 50 percent of the area of the vehicle wash facility building as it existed on the effective date of this Ordinance;
 - ii. Demolish, destroy or remove and then replace more than 50 percent of the floor area of the vehicle wash facility building as it existed on the effective date of this Ordinance, except for the purpose of replacing or repairing water recycling equipment; or
 - iii. Enlarge the water tap, meter, or service line.

16. **Community Garden**, is permitted subject to the following conditions:

- a. Compost materials are stored at least 20 feet from all adjacent property lines;
- b. All seed, fertilizer, and animal feed is stored in sealed, rodent-proof containers and housed in an enclosed structure; and
- c. The land is served by a water supply sufficient to support the cultivation practices on site.

17. **Community Home**, is permitted subject to the proposed home complying with all regulations of Texas Human Resources Code, Chapter 123, *Community Homes for Persons with Disabilities*.

18. **Construction Sales and Services**, are permitted subject to the following conditions:

- a. Liquids, gels, and pastes (e.g., paints, sealers, etc.) are stored only in enclosed buildings;
- b. There is no storage of explosives;
- c. There is storage of no more than 50 gallons of motor fuel; and
- d. There is no disposal of inoperable machines or wastes on-site.

19. **Craft Brewing / Distillery / Winery Production with On-Premise Consumption**, is permitted subject to the following conditions:

- a. The use complies with the standards for Alcoholic Beverage Establishments, stated above, if applicable; and
- b. The area devoted to on-site consumption must utilize at least 25 percent of the gross floor area.

20. **Credit Access Business** is permitted subject to the following conditions:
- The use is the sole occupant located in a stand-alone building; and
 - It is located at least 1,000 feet from another credit access business, measured in a straight line between the nearest points of one (1) lot to the other.
21. **Day Care Center**, is permitted subject to the following conditions:
- The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
 - The use is in compliance with all certification, licensing, and/or monitoring requirements as per Texas Human Resources Code, Chapter 42, *Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services*.
22. **Day Care Center, Incidental**, is permitted subject to the following conditions:
- The use is completely contained within the primary use;
 - The use shall not constitute more than 15 percent of the gross floor area of the primary use;
 - The operating hours are the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services.
 - The use is in compliance with all certification, licensing, and/or monitoring requirements as per Texas Human Resources Code, Chapter 42, *Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services*.
23. **Drug Store**, is permitted subject to the following conditions:
- the gross floor area of the building is no larger than 24,000 square feet; and
 - the use does not include a drive through facility in the Mixed Use (MU) district.
24. **Extraction** (gas, gravel, minerals, oil, or sand), may be considered subject to the following conditions:
- The hours of operation are restricted to 7:00 AM to 6:00 PM, weekdays;
 - The extraction use is not located closer than 0.25 miles to any residential or educational occupancy; and
 - The site is not within the cone of influence around a wellhead.
25. **Family Home** is permitted subject to the following conditions:
- No person other than a family member who resides in the dwelling unit is employed on site;
 - The use does not include overnight lodging;
 - The residential character of the lot and the dwelling unit is maintained, and neither the interior nor the exterior of the dwelling are structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation;
 - No additional buildings are added on the property to accommodate the home occupation;
 - There is adequate space for temporary parking, drop off, and pick up during peak times; and
 - The use is in compliance with all listing or certification requirements of the Texas Department of Family and Protective Services, as per Texas Human Resources Code, Chapter 42, *Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services*.
26. **Food Processing**, is permitted subject to all operations and processes associated with the use being conducted completely indoors.
27. **Fortune Teller/Psychic**, may be considered subject to the following conditions:
- The use is not operated as an accessory use; and

- b. The use is not conducted in any manner that permits the observation of any such services by display, signage, show window, or other opening from a public area.

28. Gasoline Service Station, is permitted subject to the following conditions:

- a. With the exception of gasoline service stations that exist, including both principal and accessory uses or buildings, on the effective date of this Ordinance, the property on which the station is located is situated no less than 300 feet from the boundary or a property line of an Estate Residential (ES), Suburban Residential (SR), or Semi-Urban Residential (SU) district.
- b. No above-grade equipment for the service of gasoline, oil, air, or water (except irrigation systems) is closer than 10 feet to any public right-of-way, or 20 feet to the property line of a residential district;
- c. Canopies shall be connected to or integrated into the architectural design of the building in terms of color, cladding, roofing and roof pitch, if provided;
- d. No overnight storage of material, merchandise, or equipment unless it is stored within the principal building;
- e. Refuse and trash is stored in closed containers and in an area screened from view at all points on any public or private property or street;
- f. In the event the use is abandoned, all underground storage tanks and pumps are removed; and
- g. Car washes, if accessory to the service station, shall direct vehicular circulation for the car wash facility away from the circulation for the rest of the site and a stacking lane for the car wash includes a 12-foot wide "escape lane" to bypass the car wash.

29. Grocery, is permitted subject to the following conditions:

- a. The gross floor area of the building is no larger than 24,000 square feet in the Local Business (LB) District; and
- b. Gasoline pumps and services are not included as an accessory use.

30. Home Occupation, is permitted as an accessory to the principal residential use subject to the following conditions:

- a. The home occupation is conducted entirely within a dwelling unit that is the legal residence of the practitioners, or entirely within only one (1) accessory garage building (not to include a carport or pole barn);
- b. No person other than a family member who resides in the dwelling unit is employed in the home occupation on the premises;
- c. The residential character of the lot and the dwelling unit is maintained, and neither the interior nor the exterior of the dwelling are structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation;
- d. No additional buildings are added on the property solely to accommodate the home occupation;
- e. The home occupation does not generate customer-related vehicular traffic in excess of three (3) vehicle trips per 24-hour day in the residential neighborhood;
- f. No direct selling of merchandise occurs on the premises, provided however, that direct marketing is permitted;
- g. No storage of equipment or materials is visible from the public right-of-way;
- h. No highly explosive or combustible equipment or vehicles with more than two (2) axles are present on the property; and
- i. The use is compatible with nearby uses and specifically does not include:
 - i. Animal training, grooming, breeding, and/or boarding;

- ii. Animal hospitals;
- iii. Clinics;
- iv. Contractors' yards;
- v. Dance schools;
- vi. Hospitals;
- vii. Junk yards;
- viii. Lodging house uses;
- ix. Massage therapy;
- x. Tattoo and/or body piercing businesses;
- xi. Restaurants;
- xii. Rental outlets; or
- xiii. Vehicle repair shops.

31. **Hospital Services**, is permitted subject to the site area being a minimum of 10 acres.

32. **Hotel**, is permitted subject to the following conditions:

- a. External balconies are set back a minimum of 200 feet from any single family residential district measured along a straight line from the ground below the balcony to the closest single family residential district boundary line;
- b. All rooms are accessed through an internal hallway, lobby, or courtyard; and
- c. Hotel staff is on-site 24 hours a day.

33. **Industrialized Home**, is permitted subject to the following conditions:

- a. The home is affixed to a permanent concrete slab or grade beam foundation;
- b. If any space is exposed between the structure and the slab or ground, the home is skirted with matching weatherized material; and
- c. The home has either an attached or detached carport that can accommodate one (1) passenger vehicle or a fully enclosed one-car garage.

34. **Manufactured Home**, is permitted subject to the following conditions:

- a. The home unit is transported, installed, occupied, and used in compliance with all applicable federal, state, and local laws;
- b. The home unit is installed on a permanent foundation consisting of masonry or concrete, with running gear, tongue, towing hitch, axles, and transporting lights removed, and has an anchoring system that is totally concealed under the structure in compliance with Texas Occupations Code, Chapter 1202, *Industrialized Housing and Buildings*;
- c. The home unit is oriented such that the longer side is parallel to the centerline of the most adjacent public roadway where the lot is addressed, or in instances where this standard cannot be met, the unit is rotated 90 degrees so that the side wall faces parallel to the same aforementioned street frontage;
- d. The home unit is not placed on a vacant lot or a lot previously established with a site-built dwelling;
- e. The home is less than 10 years old at the time of building permit application and will replace an existing manufactured home;
- f. The home is built to the [Manufactured Home Construction and Safety Standards \(HUD Code, 42 USC Ch. 5401-5426\)](#); and
- g. The home displays a certification label on the exterior of each transportable section.

35. **Nursery/Greenhouse, Retail**, is permitted subject to the following conditions:
- Access is taken from a collector or higher classification roadway;
 - The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area;
 - Stacked materials do not exceed the height of a screening fence; and
 - Greenhouses are placed to the rear of the property.
36. **Outdoor Arena, Stadium, or Amphitheater**, is permitted subject to the use being spaced a minimum of 600 feet from any single family residential district, measured along a straight line between the closest district boundary lines.
37. **Outdoor Commercial Amusement**, may be considered subject to the use being spaced a minimum of 600 feet from any single family residential district, measured along a straight line between the closest district boundary lines.
38. **Outdoor Recreation (Athletic Field/Facility)**, is permitted subject to the following conditions:
- Accessory uses or activities are subordinate in area, extent, and purpose to the principal use and are those which are customarily established in conjunction with the operation of permitted open space type recreation facilities, including accessory sales of alcoholic beverages, accessory food services, and accessory sales and rental of equipment;
 - Access to any service and parking areas for over 50 vehicles is taken from a collector or higher classification roadway; and
 - After hours lighting is limited to that necessary only for security purposes.
39. **Paintball Course**, is permitted subject to the following conditions:
- The minimum area of the parcel proposed for development is 30 acres;
 - The course is a minimum of 500 feet from residential zoning districts, schools, places of public assembly, day cares, and parks used for active recreation, which shall be measured along a straight line between the closest property lines;
 - The course is not combined with a skeet course, shooting range, or archery range; and
 - The use is designed to prevent projectiles from leaving the site.
40. **Print Shop**, is permitted if the occupied/leased space is no larger than 3,000 square feet.
41. **Research, Testing Lab, or Product Development**, is permitted subject to the following conditions:
- All testing conducted onsite is within a fully enclosed building; and
 - All materials and equipment are stored in areas screened from public view.
42. **Restaurant, Dine-In Only**, is permitted subject to the following conditions:
- All sales of Alcoholic Beverages are in compliance with the Texas Alcoholic Beverage Code.
 - The use receives less than 50 percent of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption.
43. **Restaurant, Drive-In or Drive Through**, is permitted subject to the following conditions:
- The speakers associated with the drive through are a minimum 200 feet from a residential district, measured along a straight line between the closest district boundary lines;
 - Any alcoholic beverage sales for on-premise consumption are in compliance with the Texas Alcoholic Beverage Code;

- c. The use receives less than 50 percent of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages for on-premise consumption.

44. Retail Sales, is permitted subject to the following conditions:

- a. There is no and will be no drive through or drive-up drop-off of materials or goods by personal vehicle, excluding commercial deliveries via trucks or tractor trailer; and
- b. If located in the Local Business (LB) District, a single retail tenant does not exceed 40,000 square feet of gross floor area

45. Self Storage Facility, may be considered subject to the following conditions:

- a. The site is a minimum of four (4) acres, which includes an office, enclosed individual self-storage lease space, and may include a caretaker residence and outdoor parking lease spaces for boats, RV's, trucks, and trailers, excluding storage of wrecked or inoperable vehicles, comprising no more than 20 percent of the gross site area;
- b. Any buildings with exterior access to the storage facilities do not exceed 12 feet in height, which may be increased to 16 feet for buildings built solely for boats and recreational vehicles;
- c. Any buildings with interior access to the storage facilities have a maximum height of 30 feet;
- d. A six (6) foot privacy fence constructed of masonry construction encloses the entire area that includes the self-storage use, with exception of the office and its customer and employee parking. Wrought iron or black tubular steel fencing may be substituted for masonry only at the gates. The outer wall of the building, when constructed of brick, stone, or tilt wall, may serve also as that portion of the fence; however, the required building setback remains. Cinderblock is not allowed for the fence; however, split-faced concrete blocks may be used;
- e. Any outdoor storage/parking of boats, RV's, trailers, etc. is located a minimum of 20 feet from any property line;
- f. If a caretaker residence is part of the use, it is in connection with the office at the entry to the development and is:
 - i. a minimum of 800 square feet;
 - ii. Has a pitched roof; and
 - iii. Has a maximum height of 30 feet.
- g. The exterior of all buildings, including exterior walls, roofs, trim and doors is finished in neutral earthen colors; and
- h. Is located a minimum of 500 feet from any primary collector or arterial roadway.

46. Sexually Oriented Business, may be considered subject to the provisions of Cedar Park Code of Ordinances, Chapter 4, *Business Regulations*.

47. Tattoo Parlor / Body Piercing Studio, may be considered subject to the following conditions:

- a. The use is not operated as an accessory use; and
- b. The use is not conducted in any manner that permits the observation of any such services by display, signage, show window, or other opening from a public area.

48. Townhome is permitted subject to the following conditions:

- a. Each residence has an attached or detached garage, which may include a tandem, two (2) car garage, for which the garage counts toward one (1) required parking space under the parking regulations stated in Cedar Park Code of Ordinances, Chapter 14, *Site Development*
- b. Any townhouse groupings do not exceed a length of more than 150 feet for any one (1) group; and

- c. Primary entrance(s) into the building are oriented to face the street, provided that they may have a shared entrance with access provided for no more than three (3) individual units.

49. **Transportation Terminal**, may be considered subject to the following conditions:

- a. It is not located within 1,000 feet from the lot line of a residential district measured along a straight line between the closest residential district boundary line and the terminal property line;
- b. Canopies are connected to or integrated into the architectural design of the building in terms of color, cladding, roofing, and roof pitch, if provided;
- c. The truck circulation for a truck wash facility is directed away from the circulation for the rest of the terminal site; and
- d. If a truck wash is included, a stacking lane for the truck wash includes a 12-foot wide "escape lane" to bypass the truck wash, if provided.

50. **Utility Services, Major**, is permitted subject to the following conditions:

- a. All above-ground structures and equipment are screened from public view by a masonry wall with a minimum height of 12 feet or the height of the structure or equipment, whichever is less; and
- b. The use is setback a minimum of 25 feet from the right-of-way of all streets bounding the property on which the use is located.

51. **Vending Kiosk**, is permitted subject to meeting the standards noted in Sec. 11.04.03.03.

52. **Warehouse and Distribution**, is permitted subject to the following conditions:

- a. It is not located within 600 feet from the lot line of a residential district measured along a straight line between the closest district boundary lines;
- b. Truck bays and loading docks are located perpendicular to the public right-of-way and on an interior side or rear elevation of the building, provided they do not abut a street or highway or a residential district; and
- c. Access is taken from a collector or higher classification roadway.

53. **Wireless Telecommunication Facilities, Building Mounted**, are permitted subject to the following conditions:

- a. Any building-mounted telecommunication facilities within any nonresidential districts are designed to not be visible at six (6) feet above grade at the property line;
- b. Any antenna and all related equipment are located to the rear of the property;
- c. Any building-mounted telecommunication support equipment is constructed of non-reflective material (visible surfaces only) and is located underground or hidden by an earthen berm, vegetation, and/or painted to match or complement the architecture of the building or structure to which it is attached;
- d. Any building-mounted telecommunication antenna or equipment is not lighted unless required by the Federal Communication Commission (FCC) or Federal Aviation Administration (FAA);
- e. Any building and/or roof-mounted antennas or towers project no higher than 20 percent of the allowable building height in the district it is located;
- f. The use is in compliance with Title 47, U.S. Code Section 332(c)(7); and
- g. The use is in compliance with Cedar Park Code of Ordinances, Chapter 14, *Site Development*.

54. **Wireless Telecommunication Facility**: is permitted subject to the following conditions:

- a. The use is in compliance with Title 47, U.S. Code, Section 332(c)(7); and

- b. The use is in compliance with Cedar Park Code of Ordinances, Chapter 14, *Site Development*.

Sec. 11.02.04.03 Temporary Uses

The standards of this Section apply to model homes, temporary construction, storage, and refuse collection uses that are specified in Table 11.02.03.05, *Temporary Uses by Zoning District*, as conditional (C).

- A. **Location and Operations.** The location, hours of use, operational limitations, and duration of use are stated in Table 11.02.04.03 *Temporary Uses*.

Table 11.02.04.03 Temporary Uses					
Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use	Restroom
Model Home / On-Site Real Estate Office	On lot or parcel proposed for development, with the same setbacks as any other housing unit.	7:00 a.m. to 8:00 p.m.	Not Limited.	Shall be removed prior to certificate of occupancy for the last building.	Yes
Temporary Construction Building	On lot or parcel proposed for development, set back at least 20 feet from all property lines.	Not limited.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team or as a security office. The building may not be used as a dwelling unit.	Shall be removed prior to certificate of occupancy for the last building.	Yes, except when used exclusively for storage
Temporary Construction Yard	On an active construction site or within one-half mile of the construction to which the construction yard relates.	7:00 a.m. to 8:00 p.m. if within 600 feet of residential property	The facility shall be used only for a construction site or an infrastructure project that is wholly or partially located in the City.	Shall be vacated prior to certificate of occupancy for the last building.	Yes
Portable Storage Unit	On parcel or lot served by portable storage unit. No encroachment into setbacks or over sidewalks is permitted. On nonresidential parcels, must be located behind the principal building.	Not limited.	Not limited.	Two (2) weeks if located in a residential driveway ; three (3) months if located behind a principal nonresidential building and screened from view from public rights-of-way and residential districts.	No
Temporary Construction Dumpster	On parcel or lot using dumpster, set back at least 10 ft. from the property line. In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking areas.	Not limited.	Refuse shall be contained within the dumpster, and shall be secured to prevent it from being removed from the dumpster by wind or animals.	Shall be removed prior to issuance of a certificate of occupancy for the last building.	No

- B. **Extension of Approvals.** Approvals may be extended upon demonstration of good cause, appropriate maintenance, extension of any surety, and diligent pursuit of the purposes for which the temporary construction or storage uses were established. All applications for renewal of a temporary use approval pursuant to this Section shall be submitted to the Administrator at least 10 working days before the expiration of the approval or permit.

ARTICLE 11.03 DEVELOPMENT AND DESIGN STANDARDS

Division 11.03.01 Purpose and Applicability

Sec. 11.03.01.01 Purpose

This Article provides the dimensional standards for established and new neighborhoods, nonresidential, and mixed use development; outlines where exceptions to the standards are allowed; and articulates the site and building design standards for the City.

The regulations of this Article are adopted in accordance with Texas Local Government Code (TLGC), Chapter 211, *Municipal Zoning Authority*.

Sec. 11.03.01.02 Applicability

This Article establishes regulations for parcels proposed for development or redevelopment, applicable to established and new neighborhoods, as well as nonresidential and mixed use development.

- A. **Established and New Neighborhoods.** The density, lot and building standards for each residential district and development type are stated in [Division 11.03.02, Standards for Established Neighborhoods](#), and [Division 11.03.03, Standards for New Neighborhoods](#).
- B. **Nonresidential and Mixed Use Development.** The lot and building standards for each district are stated in [Division 11.03.04, Standards for Nonresidential and Mixed Use Development](#).

Division 11.03.02 Standards for Established Neighborhoods

Sec. 11.03.02.01 Purpose and Applicability

- A. **Purpose.** This Division establishes standards for the development, redevelopment, and substantial improvement of buildings in the established neighborhoods that exist as of the effective date of this Ordinance.
- B. **Applicability.** The provisions of this Division apply to all platted subdivisions wholly or partially within the Development Reserve (DR), Estate Residential (ES), Suburban Residential (SR), Semi-Urban Residential (SU), and Urban Residential (UR) districts. More specifically, the provisions of this apply to the following:
 - 1. Development of vacant platted lots; and
 - 2. Redevelopment or substantial improvement of existing buildings on platted lots.

Sec. 11.03.02.02 Conformity

- A. **Conforming Buildings.** All principal buildings that lawfully existed and were lawfully constructed, or are the subject of a permit for which an application was filed prior to the effective date of this Ordinance, are deemed "conforming" principal buildings with respect to the building height, building coverage, square footage of living area, and building setbacks. However, this Division does not make the following buildings conforming that were:
 - 1. Constructed without required permits;
 - 2. Constructed in violation of permit requirements;
 - 3. Razed and are proposed for reconstruction that exceeds the building coverage and square footage of living area of the dwelling that existed prior to its razing;
 - 4. Permitted and originally constructed as a single family detached dwelling and later converted to multifamily units; or
 - 5. Accessory buildings that were constructed with or without permits that violate the standards of this Division, or any other standards of this Ordinance.

- B. **Conforming Lots.** All lawfully platted lots that existed on the effective date of this Ordinance are deemed "conforming" with respect to the pre-existing lot area and width standards. However, this Division does not make any originally platted conforming lot, later split by a metes and bounds description, into a conforming lot.

Sec. 11.03.02.03 Established Neighborhood Standards

- A. **Generally.** Lots of record and principal buildings that exist as of the effective date of this Ordinance may remain as conforming lots of record and buildings, subject to the exceptions set out in Sec. 11.03.02.02, *Conformity*.
- B. **Applicable Standards.**
1. *New Construction and Redevelopment or Expansion of an Existing Home.*
 - a. The principal building:
 1. May be constructed in accordance with the setbacks on the recorded subdivision plat, even if they are different than the setbacks of the zoning district within which it is located;
 2. May be constructed, redeveloped or expanded to the same dimensions of building height, building coverage, and square footage of living area; and
 3. Shall be clad or constructed with a minimum 50 percent primary materials. For reconstruction or expansion, if the original principal structure was clad or constructed with more than 50 percent primary materials, the reconstructed or expanded area of the structure shall be clad or constructed with that same percentage of primary materials.

Division 11.03.03 Standards for New Neighborhoods

Sec. 11.03.03.01 Residential Lot and Building Standards

- A. **Generally.** The lot and building standards for each residential zoning district and development type are provided in Table 11.03.03.01A, *Single Family Residential Lot and Building Standards* and Table 11.03.03.01B, *Townhome and Garden-Style Apartment Lot and Building Standards*.
- B. **Applicability.** These standards apply to:
1. Detached single family developments on a lot that is platted after the effective date of this Ordinance;
 2. Re-subdivisions of property that are replatted after the effective date of this Ordinance to create two (2) or more buildable lots; or
 3. Townhome (in the UR District) or apartment (in the MF District) developments with three (3) or more dwelling units on a single parcel located on a lot that is platted after the effective date of this Ordinance.
- C. **Single Family Dwellings.** Single family detached dwellings are permitted in the Development Reserve (DR), Estate Residential (ES), Suburban Residential (SR), and Semi-Urban Residential (SU) districts. The maximum gross density, lot area and width; front, interior and street side, and rear setbacks; building height; and minimum living area are stated in Table 11.03.03.01A, *Single Family Lot and Building Standards*.
- D. **Townhome Dwellings.** Townhome dwellings are permitted in the Urban Residential (UR) district. The maximum gross density, lot area and width; front yard; interior side yard; street side yard; and rear yard setbacks; maximum building height and minimum living area are established for townhome dwellings are stated in Table 11.03.03.01B, *Townhome and Garden-Style Apartment Lot and Building Standards*.
- E. **Garden-Style Apartments.** This multifamily housing type is typically in the form of apartments of two (2) or more stories in the MF district.

Table 11.03.03.01A Single Family Residential Lot and Building Standards									
District and Development Type	Maximum Gross Density (units/acre)	Minimum Lot		Minimum Setbacks				Maximum Building Height	Minimum Living Area
		Area	Standard / Corner Width	Front ²	Interior Side ²	Street Side ²	Rear ^{2, 3}		
Development Reserve (DR)									
Acreage	0.25	35 ac.	750'	75'	75'	75'	150'	40'	2,000 sf.
Estate Residential (ES) ¹									
Standard	1.85	15,000 sf.	100'	30'	15'	20'	25'	40'	4,000 sf.
Suburban Residential (SR)									
Standard	1.85	15,000 sf.	100'	30'	12'	20'	25'	40'	2,000sf.
Semi-Urban Residential (SU)									
Standard	3.65	8,250 sf.	75' / 90'	25'	10'	15'	20'	35'	1,500 sf.
Table Notes									
1. See Section 11.03.06.03(C), <i>Residential Development</i> , for additional development standards.									
2. The front, side and rear setbacks may be reduced up to five (5) feet from that required when needed to shift the building to preserve existing protected or heritage trees. Approval from the Administrator is required. Such approval is discretionary and approval shall consider the preservation of existing tree(s), impact on the neighborhood character and continuity, availability of parking, and that the tree is of a variety listed in the preferred plant list.									
3. Rear setbacks on a double frontage lot shall be the same as that required for the front setback.									

Table 11.03.03.01B Townhome and Garden-Style Apartment Lot and Building Standards										
District and Housing Type		Maximum Gross Density (units/acre)	Minimum Lot		Minimum Setbacks				Maximum Building Height ⁶	Minimum Living Area
			Area ¹	Standard / Corner Width	Front ²	Interior Side	Street Side ^{4, 5}	Rear		
Urban Residential (UR)										
Townhome ³	Front Entry	8	3,000 sf.	30'	25'	0' / 15' ⁹	15' / 20' / 25'	20'	35'	1,100 sf.
	Rear Entry		2,500 sf.	25'	10'					
Multifamily (MF)										
Garden-Style Apartment ^{7, 8}		20	2,178 sf.	150' / 165'	25'	10'	25'	25'	48'	450 sf. efficiency 650 sf. one bedroom 730 sf. two bedroom 80 sf. each additional bedroom
TABLE NOTES:										
1. For townhome and apartment dwellings, the lot area is measured on a per dwelling unit basis.										
2. If the front setback along the entire length of the property (street side) is common open space, the minimum front setback may be reduced to zero feet.										
3. When two (2) principal structures are arranged face-to-face or back-to-back, the minimum distance between them shall be 40 feet. The points of measurement shall be the exterior walls of the buildings, which do not include balconies, railings, or other architectural features										
4. The street side yard for garden-style apartment dwellings is also the minimum separation between buildings on the same parcel.										
5. The minimum street side setback shall be 15' on local streets, 20' on collector streets, and 25' on arterial streets.										
6. Principal structures shall not exceed one (1) story within 100 feet of the property line when abutting a single family residential district. Additionally, building height shall be measured by existing grade if the structure is abutting or within 100 feet of a single family residential district. Building height shall be measure by finished grade if the structure is located more than 100 feet from a single family residential district.										
7. The front and interior and street-side setbacks must accommodate a sidewalk.										
8. The minimum site area is 10 acres.										
9. The second number represents the minimum separation between townhome buildings consisting of three (3) or more contiguous dwelling units.										

F. Alternative Standards.

- Applicability.** These alternative standards are permitted in the Development Reserve (DR), Estate Residential (ES), Suburban Residential (SR), and Semi-Urban Residential (SU) districts.
- Front Setbacks.** The following standards may be applied to front setbacks as an alternative to the general standards in Table 11.03.03.01A, *Single Family Residential Lot and Building Standards*:
 - Enclosure of Front Porch.** Front setbacks may be reduced by up to two (2) feet from their existing location in order to enclose an existing front porch.
 - Addition of Front Porch.** Front setbacks may be reduced by up to five (5) feet from the general standards in order to allow for the construction of a front porch, provided that:
 - The added front porch would not be located closer than 15 feet to the front property line; and
 - The porch may be enclosed with a screened enclosure, but shall not be fully enclosed with walls and windows.

- Requirements for Phased Developments.** The maximum residential development capacity of the entire parcel proposed for development shall be used for calculating compliance with the maximum gross density set out in Table 11.03.03.01(A), *Single Family Residential Lot and Building Standards*.

Division 11.03.04 Standards for Nonresidential and Mixed Use Development

Sec. 11.03.04.01 Nonresidential Development Standards

- A. **Purpose.** The purpose of this Division is to provide the dimensional standards for all nonresidential and mixed use developments.
- B. **Applicability.** The standards and requirements provided in Table 11.03.04.01, *Nonresidential and Mixed Use Standards*, apply to the new development, redevelopment, and substantial improvement of properties within the nonresidential (NB, LB, GB, PO, HC, LI, HI, H, PS, OG and OR) and mixed use (MU and PA) districts.
- C.

Table 11.03.04.01 Nonresidential and Mixed Use Standards													
Standard	Zoning Districts												
	Nonresidential											Mixed Use	
	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR ⁵	MU ⁷	PA
Minimum Lot Area	8,000 sf.	15,000 sf.	20,000 sf.	15,000 sf.	43,560 sf.	43,560 sf.	150,000 sf.	60,000 sf.	8,000 sf.	NA	NA	20,000 sf.	See Note #6
Minimum Lot Width	80'	100'	100'	100'	200'	200'	500'	200'	65'	NA	NA	100'	
Minimum Lot Depth	100'	150'	200'	150'	200'	200'	300'	300'	100'	NA	NA	200'	
Maximum Building Height ^{1, 3}	30'	45'	100'	100'	60'	60'	60'	100'	100'	NA	NA	100'	
Building Setbacks ⁴													
- Front ²	25'	25'	25'	25'	50'	50'	100'	50'	25'	25'	25'	0'	See Note #6
- Interior Side	12'	12'	12'	12'	20'	20'	100'	20'	12'	10'	12'	0'	
- Street Side	25'	25'	25'	25'	50'	50'	100'	50'	25'	10'	20'	0'	
- Rear to Property Line	5'	5'	5'	5'	25'	25'	100'	20'	15'	10'	10'	0'	
- Rear to Street Right-of-Way	25'	25'	25'	25'	50'	50'	100'	50'	20'	10'	20'	0'	
- ES, SR or SU Residential District Boundary	20'	20'	20'	20'	100'	100'	200'	20'	20'	10'	20'	20'	
Outdoor Uses													
- Maximum Display Area ⁸	0%	10%	10%	0%	15%	15%	0%	0%	10%	0%	0%	10%	See Note #6
- Maximum Storage Area ^{9, 10}	0%	0%	10%	0%	20%	30%	65%	0%	50%	0%	0%	0%	

TABLE NOTES:

NA - Not Applicable

- In the LB, GB, PO, HC, LI, HI, H, and PS districts, no portion of a building within 100 feet of the property line of a single family residential district shall exceed 35 feet. In the MU district, no portion of a building within 150 feet of the property line of a single family residential district shall exceed 35 feet.
- All front setbacks adjacent to the major corridors shall comply with the provisions stated in Sec. 11.03.06.01, *Major Corridors*.
- Building height is measured from finished grade if the structure is located more than 100 feet from an ES, SR, or SU residential district. If the structure is abutting or within 100 feet of an ES, SR or SU residential district, building height is measured by the existing grade.
- If the district or use requires a bufferyard that is wider than the setback that is required by this Section, then the width of the setback shall be at least the width of the required bufferyard, as stated in Cedar Park Code of Ordinances, Chapter 14, *Site Development*.
- All trails shall be located no less than 10 feet from any single family detached residential property line. Swimming pools, spectator stands for ball fields, or similar facilities shall be located no less than 100 feet from any single family detached residential property line. Ball fields, courts or similar uses shall be located no less than 50 feet from any single family detached residential property line.
- The dimensional standards for the PA district shall be established with the review and approval of a Master Development Plan.
- Refer to Sec. 11.03.06.05, *Mixed Use Development*, for additional development standards.
- Measured as a maximum percentage of the ground floor area of the building. Excludes automobile sales, florist, garden shop, or landscape nursery uses where live vegetation and landscape materials may be kept outdoors.

Table 11.03.04.01 Nonresidential and Mixed Use Standards													
Standard	Zoning Districts												
	Nonresidential											Mixed Use	
	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR ⁵	MU ⁷	PA
9.	Measured as a percentage of the gross site area, in square feet. Outdoor storage is not allowed in required parking spaces or in landscaped areas.												
10.	Outdoor storage is prohibited along major corridors, as stated in Sec. 11.03.06.01, Major Corridors . Also, outdoor storage shall be limited to 25 feet in height when located within 200 feet of any single family residential zoning district or any park or greenbelt.												

Division 11.03.05 Height and Area Exceptions

Sec. 11.03.05.01 General Exceptions

- A. **Applicability.** This section applies to both [Sec. 11.03.05.02, Residential Districts](#) and [Sec. 11.03.05.03, Nonresidential Districts](#).
- B. **General Height Exceptions.**
- The maximum height of the following accessory building elements and appurtenances may exceed the allowable height of the applicable district by no more than 20 feet:
 - Church spire or belfry;
 - Monuments;
 - Stage towers;
 - Cooling towers;
 - Chimneys;
 - Elevator bulkheads;
 - Television and Radio Towers;
 - Necessary private utilities;
 - Necessary mechanical appurtenances.
 - The following facilities are exempt from height limitations of the applicable district:
 - Public water and fire towers;
 - Necessary public utilities.

Sec. 11.03.05.02 Residential Districts

- A. **Setback Encroachments.**
- Eaves and cornices may extend no more than two (2) feet into a required setback, except that eaves may encroach up to three (3) feet into a required setback when such yard is 10 feet or more in width or depth.
 - Chimneys, when not more than four (4) feet wide, may extend one (1) foot into any required interior side setback or street side setback. Such chimneys may extend two (2) feet into any setback when such setback is 10 feet or more in width or depth. Chimneys of more than four (4) feet in width must conform to the setback requirements.
 - Open, uncovered porches or terraces.
 - Porches and terraces that are no higher than the floor level of the first floor above grade on the side of the building to which they are attached, may extend:
 - Three (3) feet into any required side setback, provided it is not closer than five (5) feet to a side lot line;

2. 10 feet into any required front setback, provided it is not closer than 15 feet to the front property line; or
3. Not closer than 10 feet of the rear lot line.

Sec. 11.03.05.03 Nonresidential Districts

A. Setback Encroachments.

1. Canopies and overhangs on any side of a building may extend no more than four (4) feet into a required setback.
2. Open, uncovered patios or terraces.
 - a. Patios and terraces that are no higher than the floor level of the first floor above grade on the side of the building to which they are attached may extend:
 1. Two (2) feet into any required side setback, provided it is not closer than 10 feet to a side lot line;
 2. 10 feet into any required front setback, provided it is not closer than 15 feet to the front property line; or
 3. Not closer than 10 feet of the rear lot line.

Division 11.03.06 Design Standards

Sec. 11.03.06.01 Major Corridors

- A. **Purpose.** The standards of this Section establish requirements of site design that supplement the standards of the applicable zoning district. The intent of these standards is to heighten the design and aesthetic appearance for highly visible properties that are directly adjacent to the City's most highly traveled thoroughfares. These roadways serve as major entrances to the community, where higher development standards enhance the visual appearance, economic viability, and hence, quality of life for the citizens of Cedar Park.
- B. **Applicability.** This Section establishes standards for development along major corridors which is defined to mean land within 500 feet on either side of the street right-of-way of the following roadways:
1. Anderson Mill Road
 2. Arterial A: Arrow Point Drive south of East Whitestone Boulevard
 3. Bagdad Road from West Whitestone Boulevard to the City limits
 4. Brushy Creek Road
 5. C-Bar Ranch Trail, north of East Whitestone Boulevard
 6. Colonial Parkway
 7. Cottonwood Creek Trail (CR 185)
 8. Cypress Creek Road and East Cypress Creek Road
 9. Lakeline Boulevard
 10. Little Elm Trail from Wood Ridge Lane to US 183
 11. Medical Parkway
 12. East New Hope Road
 13. West New Hope Road from US 183 to West Whitestone Boulevard
 14. East Park Street from Greater Scaup Lane to Vista Ridge Boulevard

15. West Park Street from Lakeline Boulevard to Anderson Mill Road
16. Parmer Lane
17. Ronald W. Reagan Boulevard
18. Vista Ridge Boulevard
19. RM 620 (SH 45)
20. RM 1431 (Whitestone Boulevard)
21. Sam Bass Road (CR 175) north of East Whitestone Boulevard
22. US 183 (Bell Boulevard)
23. 183 A Toll Road

C. **Prohibited Land Uses.** The following uses are prohibited along major corridors:

1. Commercial, off-site parking lots (excluding parking structures);
2. Drive-in theaters;
3. Outdoor Storage;
4. Self-storage facilities;
5. Sexually oriented businesses; and
6. Wireless telecommunication facilities.

D. **Relationship to Other Ordinances.** Within the major corridors, all other ordinances, standards, and requirements of the City apply. Specifically, the standards of Cedar Park Code of Ordinances, Chapter 12, *Subdivision* and [Chapter 14, Site Development](#), apply as they relate to sidewalks, parking within 25 feet of street right-of-way, driveway spacing, restrictions on above-ground utilities, minimum 25-foot landscape area corresponding with the 25 foot building setback, landscaping, buffering of loading and service zones, fencing, dumpster locations, and all other applicable provisions.

Sec. 11.03.06.02 General Standards for All Districts

A. **Applicability.** This Section establishes allowable building materials and roof types within all zoning districts.

B. **Permitted Exterior Building Materials.**

1. *Primary.* The primary building materials used for building exterior finishes include:
 - a. Fired brick, including thin brick or brick veneer;
 - b. Stone, including cast stone, limestone, granite, marble, or other native or naturally occurring or manufactured stone and stone veneers;
 - c. Architectural (textured) concrete masonry units (CMU), including split face, weathered face, sandblasted face, and ground face blocks;
 - d. Portland cement stucco (traditional);
 - e. Cementitious or acrylic stucco
 - f. Glass; and
 - g. Architecturally textured or patterned tilt panel walls.
2. *Secondary.*
 - a. Exterior Insulation Finish System (EIFS), provided:

1. Use of a wall drainage system (barrier wall systems are prohibited); and
2. Use of a 20 oz. high-impact mesh below eight (8) feet above ground level.
- b. Metal siding (26+ gauge), including:
 1. Embossed or pre-finished architectural metal panel (26+ gauge);
 2. Prefabricated metal wall panels;
 3. Corrugated or ribbed metal panel;
- c. Smooth-faced, unfinished concrete block;
- d. Cementitious concrete siding (Hardiplank or like material); and
- e. Pressure treated or naturally decay resistant wood.
3. *Prohibited.*
 - a. Plastic or vinyl siding;
 - b. Plywood;
 - c. Wood fiber (oriented strand board);
 - d. Under-fired or unfired clay, sand, or shale rock;
 - e. Painted brick;
 - f. Mirrored glass; and
 - g. Cement board stucco.
4. *Others.* Other building materials may be used by approval of the Administrator if it is demonstrated that they meet or exceed the durability, impact resistance, and aesthetic qualities of the materials permitted above.

C. Roofing Systems.

1. Roofing materials used on pitched roof systems shall be:
 - a. Architectural shingles;
 - b. Concrete tile;
 - c. Barrel tile;
 - d. Slate;
 - e. Architectural standing seam metal;
 - f. Building integrated solar arrays (solar panels that double as roofing material); and/or
 - g. Green roof systems.
2. Corrugated or ribbed metal and other roofing materials that are not listed above are prohibited.

Sec. 11.03.06.03 Residential Development

A. Purpose and Applicability.

1. *Purpose.* The purpose of this Section is to provide building and site standards to achieve quality design and development outcomes that reflect positively on the community and its character and values.
2. *Applicability.* This Section is applicable to the Development Reserve (DR), Estate Residential (ES), Suburban Residential (SR), Semi-Urban Residential (SU), and Urban Residential (UR) districts.

B. Single Family Detached Dwellings.

1. *Applicability.*

- a. The standards of this Subsection apply to all dwellings constructed or reconstructed on lots platted after the effective date of this Ordinance.
 - b. Dwellings that existed on lawfully platted lots as of the effective date of this Ordinance that are constructed or reconstructed after the effective date are subject to the standards of [Division 11.03.02, Standards for Established Neighborhoods](#).
2. *Building Entrances*. All single family residences shall be designed and oriented so the primary entrance to the residence faces the public street. In the instance of a corner lot, the primary entrance shall face the shortest lot line.
 3. *Building Materials and Form*. (See also [Sec. 11.03.06.02, General Standards for All Districts](#))
 - a. *Primary Materials*. Stated below are the minimum primary material cladding requirements (percentage) for the building elevation for lots that face one (1) or two (2) or more streets. The percentages are based on the exterior wall surface of the entire structure, excluding doors, windows, and the foundation.
 1. *Applicable to the Development Reserve (DR) and Suburban Residential SR) districts*: 50 percent primary materials, or 75 percent primary materials when facing two (2) or more streets.
 2. *Applicable to the Semi-Urban Residential (SU) district*: 75 percent primary materials, with the remaining 25 percent as cementitious concrete siding (Hardiplank or like material). Use of stucco as a primary material may not exceed 25 percent of the total primary materials used.
 - b. *Roofs*. When used, pitched roofs shall have a minimum slope ratio of 4:12 and eaves shall be a minimum of 18 inches.
 - c. *Garages*. The principle dwelling shall have at least a fully enclosed two (2) car garage. The garage may be detached or attached as part of the principal building. In the SU district, garage conversions are permitted provided parking requirements are met. The exterior doors of the garage shall remain intact and in working order so as to retain the appearance of a garage from the street.

C. Estate Residential Standards.

1. *Site Standards*.
 - a. Communities shall be gated, utilizing private streets to be owned and maintained by the Homeowners' Association (HOA);
 - b. All required detention shall be provided for in a wet retention pond (constant water level) with a fountain; and
 - c. The required landscape and pedestrian easement along Major Corridors shall be 40 feet, which shall include enhanced landscaping, berms, and a six (6) to eight (8) foot tall masonry wall constructed of natural stone.
2. *Building Standards*.
 - a. *Facades*. The exterior facades of a principal building or structure, excluding glass windows and doors, shall be constructed of 100 percent primary materials. Cementitious fiber board may be used for architectural features, not to exceed 10 percent of the entire structure, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys that are not part of an exterior wall or other architectural features approved by the Building Official.
 - b. *Roofs*.
 1. The roof pitches of a principal building or structure, including garages, shall meet the following roof pitch standards:
 - a. A minimum of 65 percent of the surface area of composition roofs (architectural shingles) shall maintain a minimum roof pitch of 8:12.; and

- b. A minimum of 75 percent of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
- 2. Wood roof shingles are prohibited.
- c. *Garages:*
 - 1. All homes shall have a three (3)-car garage/enclosed parking spaces, which shall include cedar clad garage or carriage style doors;
 - 2. No more than two (2)-garage doors shall face the street (note that one (1) double - approximately 20' wide - door counts as two (2) garage doors);
 - 3. All homes shall incorporate swing-in driveways and/or side-facing garages;
 - 4. All front entry garage doors shall incorporate three (3)-of the following details:
 - a. Setback 20 feet behind the front elevation of the principal building;
 - b. Recessed a minimum of three (3)-feet from the garage face;
 - c. Single garage doors separated by column (in place of one (1) double garage door); or
 - d. Cast stone surrounds.
 - 5. Carports shall be prohibited.
- d. *Driveways:* Enhanced paving treatments are required for all driveways and shall consist of one (1) of the following:
 - 1. Stamp and stain/patterned concrete (must use dust-on color application to wet concrete);
 - 2. Acid-etched colored concrete for the field with scored smooth colored borders (must use dust-on color application to wet concrete);
 - 3. Colored concrete with scored smooth border (must use dust-on color application to wet concrete);
 - 4. Brick or interlocking pavers or pave stone;
 - 5. Stone or slate;
 - 6. Other similar treatment as approved by the Administrator.
- e. *Elevations.* Plan elevations shall alternate at a minimum of every eight (8)-homes on both sides of a street.
- f. *Fences.* Privacy fences on single family residential lots shall be located 10 feet behind the front elevation of the principal building and shall not exceed six (6)-feet in height above grade.
- g. *Lighting.* All homes shall provide an exterior lighting package to illuminate front entrances, garages, landscaping, and trees located in the front yard.

D. Nonresidential Uses in Residential Districts.

- 1. *Purpose.* As indicated in [Sec. 11.02.03.04, Nonresidential Uses by Zoning District](#), certain nonresidential uses are allowed within the residential districts. To protect the value and compatibility of both residential and nonresidential uses, the standards of this Subsection were established.
- 2. *Applicability.* These standards are applicable to all nonresidential uses, buildings, and structures in the residential districts indicated on Table 11.02.03.04, *Nonresidential Uses by Zoning District*.
- 3. *Building Standards.*
 - a. *Size.*
 - 1. Buildings for agricultural support services or a farm/ranch shall be located a minimum of 50 feet from any property line.
 - 2. With the exception of utility structures, nonresidential principal buildings shall be a minimum size of 2,000 s.f. in the RA, ES, and SR districts, 1,500 s.f. in the SU district, and 1,100 s.f. in the UR district.

- b. *Façade.* The exterior façade of a principal building or structure shall provide a minimum of 90 percent primary materials. A maximum of 10 percent secondary materials may be provided; however, an additional 10 percent (for a maximum of 20 percent) may be considered for architectural features.
 - c. *Roofs.* Pitched roofs shall be required on all buildings, which shall have a minimum slope ratio of 4:12 and eaves shall be a minimum of 18 inches.
 - d. *Fenestration.* Glazed window and door openings shall account for no less than 25 percent of the overall wall surface of each face or building level on walls facing a public street. Mirrored glass is prohibited.
4. *Location.* Nonresidential uses shall be located on a collector or higher classification roadway.

E. Townhomes.

- 1. *Applicability.* The standards of this Subsection on single family attached dwellings apply to all dwellings constructed or reconstructed after the effective date of this Ordinance.
- 2. *Garages and Parking.*
 - a. *Front Garages and Driveways.* Townhome dwelling units with front garages and parking require a minimum width of 30 feet. Driveways may be a maximum width of 20 feet. The façade of the garage shall be set back no less than 20 feet from the street rights-of-way (public) or street easement (private). Alleys and rear parking courts may also be for temporary or overflow parking.
 - b. *Rear Alley-Access Garages and Parking Courts.* Rear garages and parking is required for dwelling units with a width of 25 feet or less. If there are individual driveways, they shall have a maximum width of 20 feet. The façade of the garage shall be set back a minimum of 20 feet from the alley or drive access to a rear parking court. Front yard parking is prohibited for dwelling units with alley-access garages or parking.
 - c. Tandem garages are permitted. The two (2) car garage shall count toward one (1) required parking space.
- 3. *Streets and Alleys.* All dwellings must front on and take access to a public street or private street built to public street standards, or may take access to an alley in which case the dwellings may front on streets or common open space.
- 4. *Courtyards.* All dwelling units with parking in the front yard shall have a pervious front courtyard adjacent to the driveway, which shall be a minimum width of 10 feet and a minimum depth that is the same as the front building setback.
- 5. *Building Materials and Form.*
 - a. *Articulation.* Townhome groupings shall be designed with a variation in the horizontal and vertical elevations of at least three (3) feet for every two (2) attached townhomes to prevent the appearance of straight, unbroken lines in their horizontal and vertical planes.
 - b. *Primary Materials.* The exterior wall surface of the entire structure, excluding doors, windows, and the foundation, shall be constructed of at least 75 percent primary materials. Use of stucco as a primary material may not exceed 25 percent of the total primary materials used. For lots that face two (2) or more streets, the exterior wall surface of the entire structure, excluding doors, windows, and the foundation, shall be constructed of 100 percent primary materials.
- 6. *Alternative Ownership Arrangements.*
 - a. The standards of Section [11.03.03.01](#), *Residential Lot and Building Standards*, with respect to lot area and width and building setbacks relate to the development of residential dwellings on legally platted lots that are intended to be owned in fee-simple by the landlord or residents of the dwellings. However, the standards are not intended to preclude other ownership types, such as single ownership of all units (rentals); condominiums (in which the land is owned in common by the owners of the condominium units); or common maintenance communities (in which fee-simple ownership is limited to the land

under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership arrangements, provided that the development complies with this Ordinance.

- b. The proposed pattern of development will be allowed if it is demonstrated that it will comply with the maximum gross density and applicable front, interior and street side, and rear setbacks as if it were platted with lots that meet the minimum requirements of the Urban Residential (UR) district as noted in Table 11.03.03.01B, *Townhome and Garden-Style Apartment Lot and Building Standards*.
- c. Any development having attached units and/or common areas shall have a common maintenance or ownership agreement and shall be required to file all covenants and declarations governing those agreements at the time of platting. When property owner associations are established, membership shall be mandatory. The final plat shall include the official public record document number of such covenants and declarations filing at the respective county. The mandatory homeowner's association shall maintain the common landscape areas, fences, all structures and other improvements on the site owned in common, including the driveways, amenities, and any common parking areas and garages, and exterior maintenance of the principle structures.

F. Manufactured and Industrialized Homes.

1. *Skirting.* The vacant space between the finished grade of the property on which each manufactured or industrialized home is located and the exterior edges of the finished floor of each unit is skirted as follows:
 - a. *Installation.* Skirting shall be installed on a concrete footing so there is no visible gap between the finished floor and the ground.
 - b. *Materials.* The material used for skirting shall be rock, brick or concrete masonry construction. All skirting materials are compatible in appearance with the home and allow for adequate ventilation and drainage.
 - c. *Design.* The skirting shall be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit.
2. Per the Texas Occupations Code, Section 1202.253, *Municipal Regulation of Single Family and Duplex Industrialized Housing*, single family industrialized homes shall:
 - a. Have a value equal to or greater than the median taxable value for each single family dwelling located within 500 feet of the lot on which the industrialized home is proposed to be located, as determined by the most recent certified tax appraisal roll of the county in which the property is located; and
 - b. Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized home is proposed to be located.

G. Garden-Style Apartments in Multifamily (MF) District.

1. *Applicability.* The standards of this Subsection apply to development in the Multifamily (MF) district.
2. *Architecture.*
 - a. The architectural style of the front facade of the building(s) shall be expressed on all sides of the building(s) fronting on, most directly facing, or within 150 feet of street right-of-way or a private street easement.
 - b. The rear facade of a building shall not face street right-of-way unless a rear facade must face street right-of-way by way of parcel size or orientation. When a rear facade of a building faces the street right-of-way and is located in the corridor overlay, landscaping shall be provided between the building(s) and street right-of-way as stated in Cedar Park Code of Ordinances, [Chapter 14, Site Development](#).

- c. Residential buildings located within the interior of a multifamily development that are not fronting on, most directly facing, or within 150 feet of street right-of-way are exempt from these architectural standards.
- 3. *Building Facade.* Each exterior wall surface, excluding doors, windows, and the foundation shall be constructed of 100 percent primary materials.
- 4. *Building Design.*
 - a. *Form.* A multifamily building containing more than eight (8) dwelling units shall be designed to break up a rectangular foot print and avoid a box-like or monolithic appearance. Any of the following techniques, or any technique that would produce a comparable effect, may be used to avoid the appearance of a box-like or monolithic building:
 - 1. Varying roof lines;
 - 2. Changes in wall planes of at least five (5) feet at intervals of not more than 60 feet;
 - 3. The use of dormers, bay windows, or other windows that create dimension that break up the facade;
 - 4. Balconies that are used irregularly, some projecting, some recessed;
 - 5. Primary entrance treatments that are recessed or project from the main facade; or
 - 6. Changes in floor plans that create rooms with corner windows.
 - b. *Stairwells.* Stairs that provide primary access to units on upper floors shall be covered and integral to the building and roof design.
 - c. *Design Features.* Elements such as eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.
 - d. *Building Scale.*
 - 1. Any portion of a building that is closer than 50 feet from a common property line that abuts a single family residential district shall be no higher than 12 feet above the highest point of the closest residential structures. This does not apply if the residential structure is located across a street from the development.
 - 2. The apparent exterior floor-to-floor height of each story of a building shall be limited to 12 feet. Individual floors shall be delineated on the building facade through the use of window placement and horizontal details. Interior floor-to-floor heights may exceed 12 feet.
 - e. *Garages.* When visible from street rights-of-way, garages shall be located on the side or behind the rear façades of the multifamily buildings. Alternatively, landscaping shall be provided between the garage building(s) and street right-of-way, as stated in Cedar Park Code of Ordinances, [Chapter 14, Site Development](#). The materials, building design, and roof type of garages shall be compatible with the building form and materials of the multifamily buildings.
 - f. *Pedestrian Facilities and Amenities.*
 - 1. Walkways with a minimum width of five (5) feet shall directly connect each front door or front entrance with surrounding sidewalks, walkways, or paths.
 - 2. All buildings shall provide a minimum 10-foot pedestrian zone between the building and parking area. The pedestrian zone shall contain walkways and landscape planting areas, plazas, and/or gardens. These areas shall also be protected from vehicular traffic by curbs, fencing, walls, wood posts, concrete bollards, or other barriers.
 - 3. In conjunction with each pedestrian zone and for each 10 dwelling units, or portion thereof, there shall be one (1) bench or picnic table and one (1) trash receptacle accessible by a sidewalk, walkway, or path that is located no more than 25 feet from a building entrance. Benches, tables,

and trash receptacles shall be anchored to the ground. Each shall be constructed of a non-corrosive, weather-resistant material, excluding wood.

4. All crossings of internal streets, access drives, and driveways shall have well-defined pavement markings and pedestrian crossing signs.
5. Covered sidewalks or walkways that are part of or adjacent to a building may be used for outdoor seating and dining or as terraces and arcades, provided a minimum passable width of four (4) feet.

Sec. 11.03.06.04 Nonresidential Development

A. Generally.

1. *Purpose.* The purpose of this Section is to ensure a higher degree of building construction, quality, and durability for structures built to promote public health, safety, and welfare within the City. Additionally, the standards of this Section are to promote a high aesthetic appeal, promote compatible and uniform design, and reflect the characteristics of building materials and styles commonly found in Central Texas.
2. *Applicability.* This Section is applicable to the Neighborhood Business (NB), Local Business (LB), General Business (GB), Professional Office (PO), Hospital (H), Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), Planning Area (PA), Mixed Use (MU), Open Space Greenbelt (OG), Open Space Recreation (OR) and Public Services (PS) districts.
3. *Minimum Requirements.* The required combination of primary and secondary materials stated in [Sec. 11.03.06.02, General Standards for All Districts](#), is as follows:
 - a. *Primary.* Minimum 90 percent.
 - b. *Secondary.* Maximum 10 percent; provided, however, that an additional 10 percent (for a maximum of 20 percent) may be considered for architectural features.
 - c. *Exemption.* Portable buildings on school-owned property are exempt from the primary material requirement.

B. Nonresidential Developments.

1. *Design Standards.* The building and site design standards shall be as stated below.
 - a. *Exterior Building Facades.* The design of buildings in the applicable districts shall comply with the standards stated in this Section, and all other applicable standards and requirements of this Ordinance.
 - b. *Building Facades.*
 1. Facades that are greater than 100 linear feet shall be articulated with recesses or projections, which total no less than 25 percent of the façade length. Recesses or projections shall be a minimum depth of two (2) percent of the length of the facade. No uninterrupted length of any facade shall exceed 75 linear feet. (See Figure 11.03.06.04A, *Building Wall Articulation*)
 2. Any public, ground floor entrance facade(s) shall have arcades, display windows, entry areas, awnings, or other such design features along no less than 60 percent of the entrance facade. (See Figure 11.03.06.04B, *Animating Features*)

Figure 11.03.06.04A
Building Wall Articulation

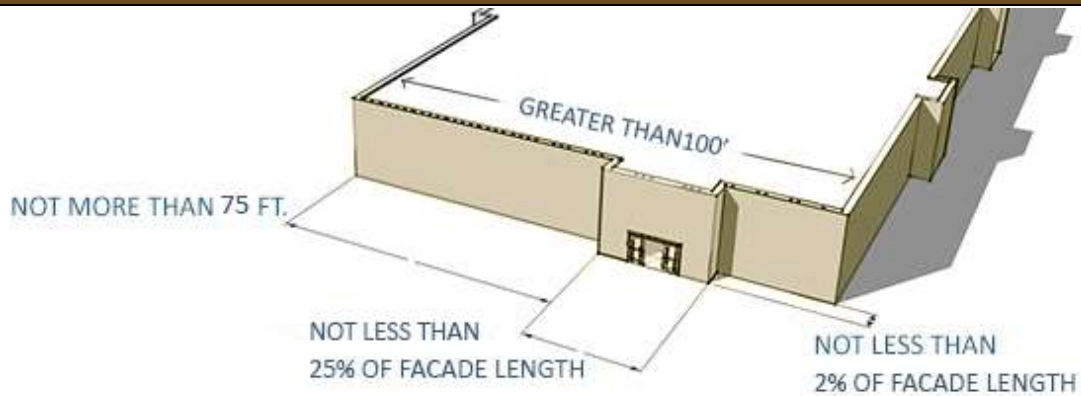
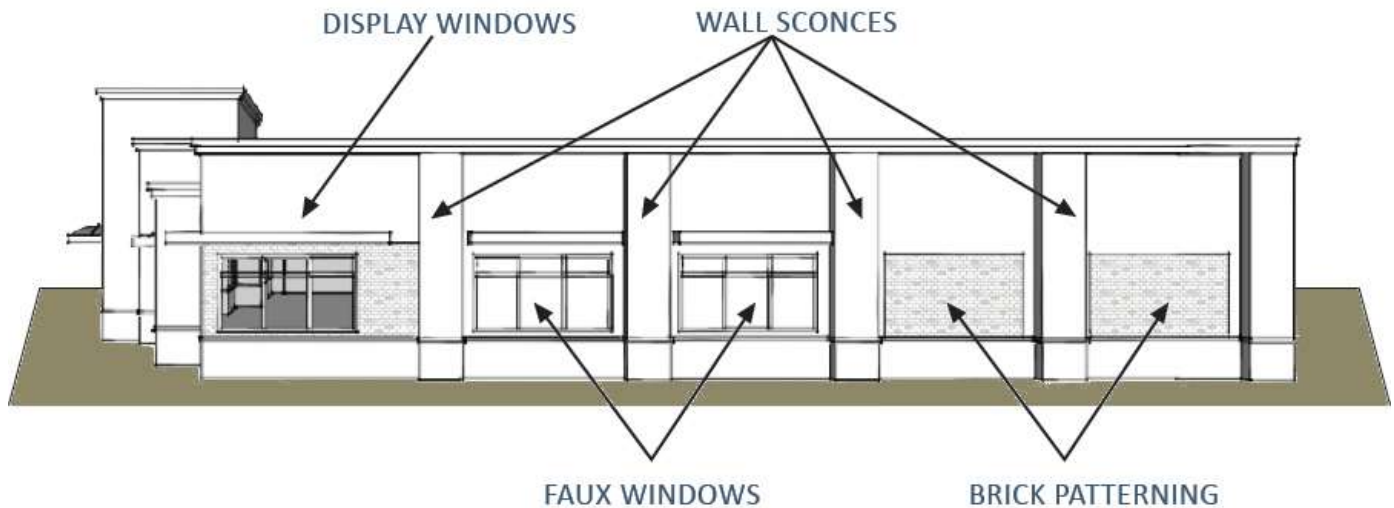


Figure 11.03.06.04B
Animating Features



- c. *Mechanical Equipment and Meters.* Mechanical equipment associated with building operations (e.g., HVAC systems, electric meter banks, etc.) shall be screened as stated in this Subsection.
 1. *Roof-Mounted Equipment.* Mechanical equipment shall be fully screened from ground level views from all adjacent property and rights-of-way by:
 - a. Parapet walls, which shall include cornice treatments that are of adequate height to fully screen the equipment such that the equipment cannot be seen by pedestrian-level at the property line; or
 - b. Screening walls of adequate height to fully screen the equipment, which use materials and colors that match or are consistent with the design of the principal building; or
 - c. Sloped roof systems or other architectural elements of adequate height to fully screen the equipment from all adjacent property and rights-of-way.

2. *Building-Mounted Equipment.* Mechanical equipment that is mounted on a building wall that is within public view shall be enclosed, screened by opaque fencing, landscaping, or painted to match the building facade.
- d. *Canopies.* Gasoline canopies, car washes, and other accessory uses with canopies shall be constructed of the same materials as the principal structure. The design of the canopy shall complement the design of the principal structure.
- e. *Service Entrances.* All service entrances and other non-public building sides or areas shall be screened from public rights-of-way using vegetation or masonry fencing of the same materials as the principal structure.
- f. *Outdoor Displays.* In addition to the requirements stated in Table [11.03.04.01, Nonresidential and Mixed Use Standards](#), permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Only designated and approved permanent or seasonal outdoor sales areas shall be permitted. Unenclosed areas for the sale and storage of seasonal inventories shall be permanently designated and separated with walls or fences, while keeping with the common design of the principal structure.
- g. *Outdoor Storage, Trash Collection, and Loading Areas.* In addition to the requirements stated in Table [11.03.04.01, Nonresidential and Mixed Use Standards](#), as well as Cedar Park Code of Ordinances, [Chapter 14, Site Development](#), these areas shall be screened, recessed, or enclosed as follows:
 1. No area for outdoor storage, trash collection, compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian walkway.
 2. Outdoor shopping-cart storage areas shall be provided in the parking lot, and adjacent to the buildings if they are not available at the entrance.
 3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaped so that they are visually screened from public view.
- h. *Parking and Vehicular and Pedestrian Circulation.* The parking lot design and pedestrian circulation routes shall provide safe, convenient, and efficient access for vehicles, pedestrians, and bicyclists. Pedestrian circulation via internal public sidewalks shall be required. The placement of structures shall enhance and promote pedestrian circulation on the site.
 1. At a minimum, one (1) internal continuous sidewalk with at least five (5) feet of clearance shall be provided from the public street to the building entrance(s). Additionally, at least four-foot-wide walkways shall connect focal points of pedestrian activity, such as transit stops, street crossings or store entry points, and shall feature adjoining landscaped areas to provide a separated and pedestrian-friendly access route.
 2. All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally, all sidewalks and crosswalks shall be visually distinct from the driving surface by use of striping, pavers, bricks, or scored concrete.
 3. Sidewalks, at least six (6) feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage that extends the entire width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks, and shall be located an average of at least three (3) feet from the facade of the building to provide planting beds for living foundation landscaping, except where architectural features, such as covered walkways, arcades, or entryways, are part of the facade.

- i. *Roofs.* In addition to the regulations stated in [Sec. 11.03.06.02, General Standards for All Districts](#), all roof designs must use at least one (1) of the following design features:
 1. Three (3) or more roof slope planes;
 2. Overhanging eaves or canopy projections, which extend no fewer than two (2) feet past the supporting walls; or
 3. Flat roof with an architecturally articulated parapet or cornice.
- j. *Facade Treatments.* All building facades shall use no less than four (4) of the following design features, for which the Administrator may allow minor deviations to the full requirement of each chosen feature if the petitioner adequately demonstrates that the overall intent and spirit of this Subsection adheres to the overall development design:
 1. *Colors, Materials or Textures.* Facades shall have two (2) or more exterior contrasting colors and have more than three (3) exterior materials or texture changes.
 2. *Building Wall Offsets.* Building facades facing the front lot line shall have minimum 12 inch offsets, such as pilasters, columns, and/or reveals, or other decorative elements.
 3. *Covered Walkways.* Across the entire front façade of the structure, a covered pedestrian walkway with a minimum depth of eight (8) feet is provided.
 4. *Display Windows.* Clear glass window displays cover no less than 20 percent of one (1) facade or 30 percent of two (2) facades.
 5. *Integral Planters or Walls.* Planters or landscape walls constructed adjacent to the face of the building and incorporate living landscaped areas and/or places for sitting. Such areas shall be a minimum of two (2) feet wide and 19 inches high for sitting, and five (5) feet wide for a planter and cover at least 50 percent of the façade.
 6. *Open Space Pedestrian Plaza.* A plaza may be incorporated for gathering and sitting adjacent to the main entrance or on the front façade, which must be equivalent to two (2) percent of the gross square footage of the subject building. Such area shall include seating with benches and/or tables and chairs at a minimum rate of one (1) seat per 15,000 square feet of gross floor area, and may include any of the following features:
 - a. Kiosk(s);
 - b. Outdoor playground area;
 - c. Water feature;
 - d. Gazebo;
 - e. Clock tower; or
 - f. Other such focal feature and amenity that enhances the public space.
 7. *Atrium skylight(s),* with a minimum depth of 20 feet that visually enhances the exterior architectural style and design of the front entrance, façade, and roof area.
 8. *Exterior Lighting.* Enhanced exterior lighting such as wall sconces along the front façade.
 9. *Prominent Landmark.* The front façade of the building contains a prominent three-dimensional landmark feature such as a tower, turret, arches, etc.

C. Neighborhood Business (NB).

1. *Applicability.* The requirements of this Subsection apply to all buildings within the Neighborhood Business (NB) zoning district.
2. *Building Scale.* Buildings fronting on the following street classifications shall be limited to the following scale standards:
 - a. Arterial street or highway: Maximum 12,000 square feet in gross floor area.
 - b. Collector street: Maximum 6,000 square feet in gross floor area.
 - c. Local street. Maximum 3,000 square feet in gross floor area.
3. *Building Height.* Building height shall be limited to one (1) story.
4. *Building Design.*
 - a. *Articulation.* No street-facing facade may have a continuous length of 50 feet or more without a minimum offset of four (4) feet in the building elevation.
 - b. *Detailing.* All buildings shall contain architectural details for each elevation fronting on or most directly facing street right-of-way, a private street easement, or abutting drive through lane or parking lot that promote good design, which shall:
 1. Entry portico;
 2. Chimneys or cupolas;
 3. Transom windows;
 4. Dormers;
 5. Window canopies;
 6. Eaves in excess of 18 inches;
 7. Covered porches (extending along 50 percent of the building facade and projecting a minimum of four (4) feet from the face of the building);
 8. Decorative window shutters; or
 9. Other similar design feature approved by the Administrator.
 - c. *Roofs.* Roofs shall be similar to residential type roofs. Permitted materials include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials approved by the Administrator. A pitched roof shall be required, with the slope at a minimum ratio of 4:12. A peaked parapet is permitted if it gives the appearance of a pitched roof from all sides. Eaves shall extend a minimum of 12 inches from the building facade. The use of flat and shed roofs is prohibited.
5. *Restrictions.*
 - a. All allowed uses must be operated entirely indoors, with the exception of an outdoor restaurant or café seating area. However, the outdoor seating area may not face directly upon or be within 50 feet of a single family residential district;
 - b. Delivery hours shall be limited to a period from 7:00a.m. to 6:00p.m.;
 - c. Hours of operation shall be limited to 7:00a.m. to 10:00p.m; and
 - d. Drive through uses are prohibited.

D. Redevelopment.

1. *Purpose.* The purpose of this Subsection is to facilitate redevelopment on lots or tracts that do not, or cannot, meet the minimum standards of this Section and other provisions of this Chapter. These provisions are intended to provide a means by which administrative relief may be granted from unforeseen applications of this Chapter that create unique challenges or practical difficulty in redevelopment of a site.

2. *Applicability.* The standards of this Subsection apply to the following nonresidential districts: NB, LB, GB, PO, HC, LI, HI, H, OG, OR and PS district.
3. *Applicable Standards.* In no case shall these standards be interpreted to lessen the requirements for reasons other than those causing unique challenge or practical difficulty in redeveloping a site. Pursuant to this Subsection, the Administrator may review applications for and authorize the following modifications from the requirements of this Ordinance:
 - a. *Site Area and Lot Area, Width, and Depth.* The standards stated in Table 11.03.04.01, *Nonresidential and Mixed Use Standards*, are waived when a site that is subject to redevelopment is less than the required minimum area, width or depth. The minimum site and lot dimensions must be such that they accommodate a building, together with adequate parking, site access and circulation, and the building setbacks pursuant to this Subsection. Such reductions may be approved upon a finding that the following conditions exist:
 1. The reduced lot area and/or lot dimensions are in keeping with the historic pattern of development in the area; and
 2. The reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot.
 - b. *Building Setbacks.* The required minimum building setbacks stated in Table 11.03.04.01, *Nonresidential and Mixed Use Standards*, may be reduced by up to 20 percent for interior side setbacks and 40 percent for front and street side building setbacks, provided that the setback reduction is the minimum necessary to accommodate the land use and meet the other applicable standards on the site. A setback reduction may be approved upon a determination that one (1) or more of the following conditions exists:
 1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as:
 - a. The lot does not meet the dimensional standards established for the zoning district in which it is located;
 - b. The lot has topographic limitations that require placement of the structure into the required setback area; or
 - c. The design features of the principal building are compatible with other pre-existing, legally established principal buildings of adjacent properties on the same side of the street.
 2. The part of the proposed structure that would encroach into the minimum setback area is less than 50 percent of the width of the encroaching building facade, provided the part of the structure that would encroach into a front setback shall either be open (such as a porch or screen room) or not subject to occupancy.
 3. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.
 4. The encroachment of the proposed structure is necessary due to significant existing vegetation.
 - c. *Major Corridors.* The standards stated in Cedar Park Code of Ordinances, Chapter 12, *Subdivision* and Chapter 14, *Site Development*, shall apply, except the minimum 25 foot building setback and landscape area may be reduced to no less than 15 feet provided:
 1. Conformance with the sidewalk requirements;
 2. No parking is allowed within the landscape area;
 3. No new above-ground utility support structures (poles) are installed; and
 4. All existing four-inch caliper or larger hardwood trees within the landscape area are preserved and credited toward the landscape requirements;

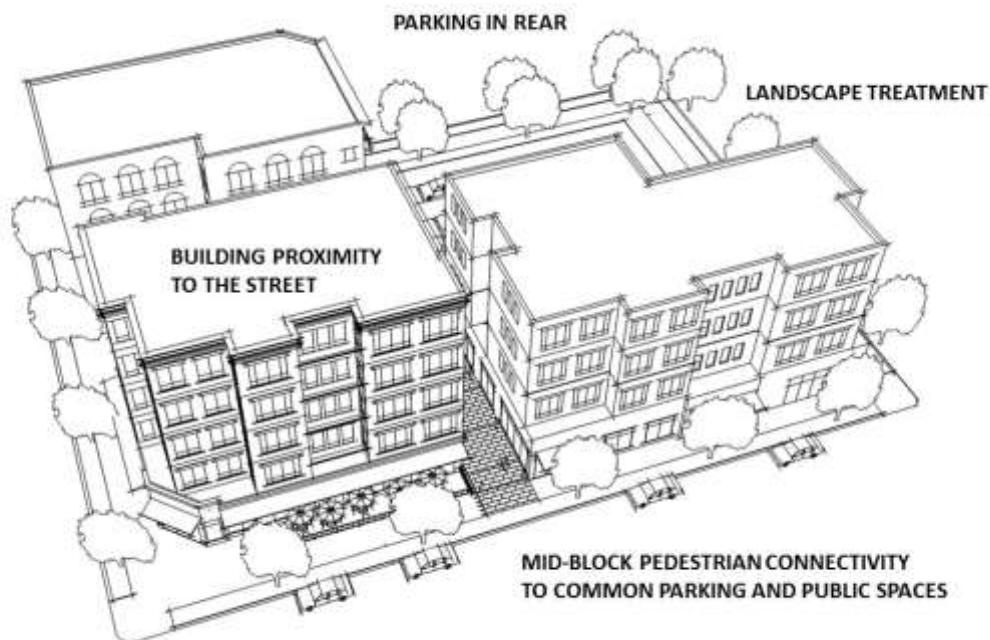
4. *Conditional Approval.* The Administrator may place conditions on an approval to assure that the circumstances which warranted the application of the flexible development standards are maintained.
5. *Written Decisions.* Decisions by the Administrator shall be in writing and may be appealed to the Planning and Zoning Commission.
6. *Variances.* No variances shall be allowed with regard to deviations from the development standards that are approved pursuant to this Subsection nor shall any deviations from these development standards make void or otherwise modify any variance decision by the Board of Adjustment.

Sec. 11.03.06.05 Mixed Use Development

- A. **Purpose.** The purpose of the Mixed Use (MU) district is to create a vibrant pedestrian-oriented environment by providing for vertically and horizontally mixed-use buildings. This district is specifically intended to establish an urban form along internal streets through specific design and building form standards, as well as to integrate enhanced connections to the adjacent streets, neighborhoods, and districts. The intent of these standards is to:
 1. Implement the Bell Boulevard Master Plan;
 2. Facilitate compact, mixed use development elsewhere within the City on vacant tracts or for infill and redevelopment purposes; and
 3. Create a development form that combines modern urban design with the essence of a traditional, walkable downtown.
- B. **Applicability.** These standards are applicable to all properties zoned Mixed Use (MU), and properties zoned Planning Area (PA) that are designated for mixed use development within a Master Development Plan. If the standards of this Section conflict with the standards established in Section 11.03.06.04, *Nonresidential Development*, the standards of this Section shall apply.
- C. **Mixed Use Requirements.**
 1. *Building Area and Density.* Depending on whether a development includes horizontal or vertical mixed use, the residential and nonresidential building areas and residential densities vary.
 - a. In horizontal mixed use developments, the maximum percentage of gross building area allowed for residential uses is 60 percent and the minimum percentage of gross building area allowed for nonresidential uses is 40 percent. The minimum residential density shall be 60 dwelling units per acre, based upon the net acreage of the residential development.
 - b. In vertical mixed use buildings, the maximum percentage of gross building area allowed for residential uses is 85 percent and the minimum percentage of gross building area allowed for nonresidential uses is 15 percent. The minimum residential density shall be 40 dwelling units per acre, based upon the net acreage of the site.
 2. *Building Types.*
 - a. Vertically mixed use buildings require the ground floor to be devoted to retail, services, office or institutional uses, with residential uses on the upper floors.
 - b. Single use multifamily buildings are allowed provided they are of an urban character, using on-street or structured parking in lieu of surface parking.
 - c. Single use retail, office, services, and institutional buildings are allowed provided they are a minimum of two (2) stories.
- D. **Design Standards.**
 1. *Layout.*
 - a. *Nonresidential and/or Mixed Use Buildings.* Nonresidential and/or Mixed Use buildings are to be:

1. Located near the center of the development; adjacent to transportation corridors; or close to the central open space.
 2. Grouped together along streets to create short walking distances between buildings.
 3. Located and oriented to minimize the walking distances to residential areas and public open spaces.
- b. *Streets.* All streets and drive aisles shall be interconnected with one another and connected to adjacent neighborhoods in a grid or modified grid pattern. Cul-de-sacs are restricted and only to be used as approved by the Administrator to alleviate specific design issues.
- c. *Blocks.* Blocks shall be not less than 300 feet and no more than 600 feet in length, with public access easements to provide mid-block pedestrian connections to common parking and public spaces, as displayed by Figure 11.03.06.05A, *Pedestrian Connections*.

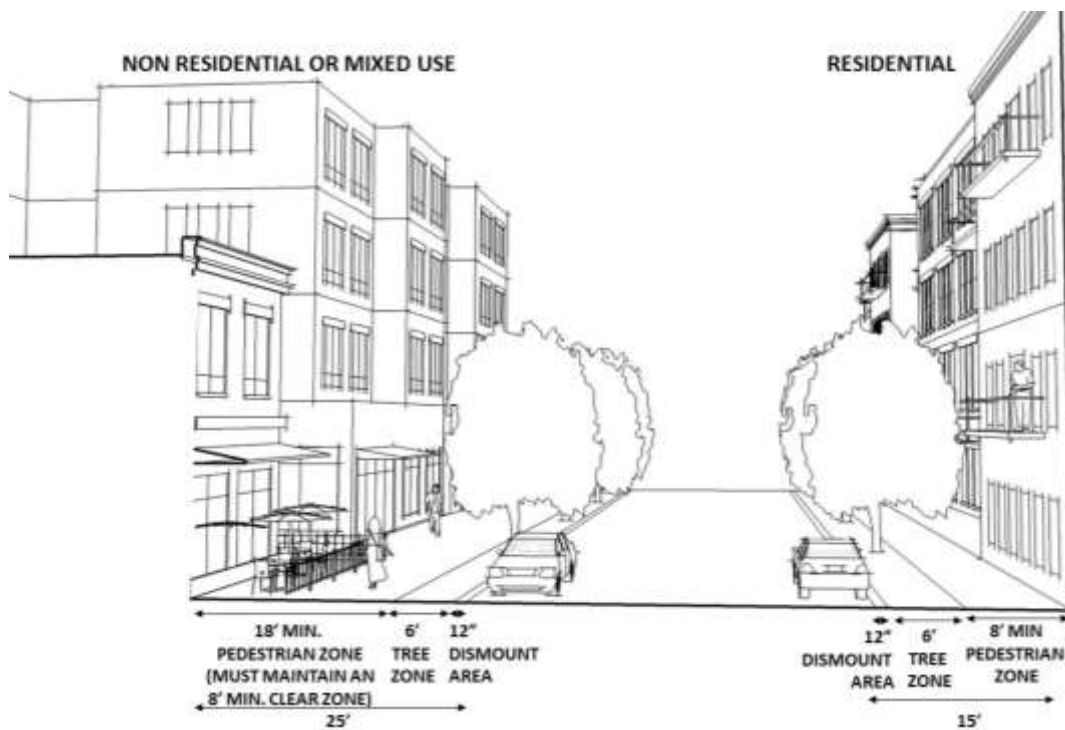
**Figure 11.03.06.05A
Pedestrian Connections**



2. *Frontage.*
 - a. Walls longer than 30 feet without fenestration, building wall articulation, or material changes are not permitted on any street or private drive frontage, except alleys.
 - b. One (1) fully functional and visibly identifiable public entrance shall be provided along the frontage of each building adjacent to an arterial or collector street.
 - c. Buildings shall front on the street or private drive and be designed to encourage pedestrian activity within and along the site. As applicable, portions of site frontages devoted to off-street parking or site access shall include design features such as landscaping, seat walls, and other pedestrian amenities to maintain visual continuity of the street or private drive and sidewalk to the fullest extent practicable.
3. *Pedestrian Improvements.*
 - a. Sidewalks shall be installed to connect public walkways to all building entrances, parking structures or areas, open spaces, and any other destinations warranting pedestrian access.

- b. Sidewalks shall connect to existing sidewalks on abutting and adjacent lots or tracts.
- c. Sidewalk widths adjacent to streets and private drives (see Figure 11.03.06.05B, *Sidewalk Widths*).
 1. Sidewalks abutting residential buildings shall include a minimum 12-inch dismount area from back of curb, a minimum eight (8) foot pedestrian zone, and a minimum six (6) foot tree zone.
 2. Sidewalks abutting nonresidential or mixed use buildings shall include a minimum 12-inch dismount area from back of curb, a minimum 18-foot pedestrian zone with a minimum eight (8) foot clear zone and a minimum six (6) foot tree zone.
 3. The tree zone shall include a minimum four (4) inch caliper shade tree every 30 linear feet of frontage.

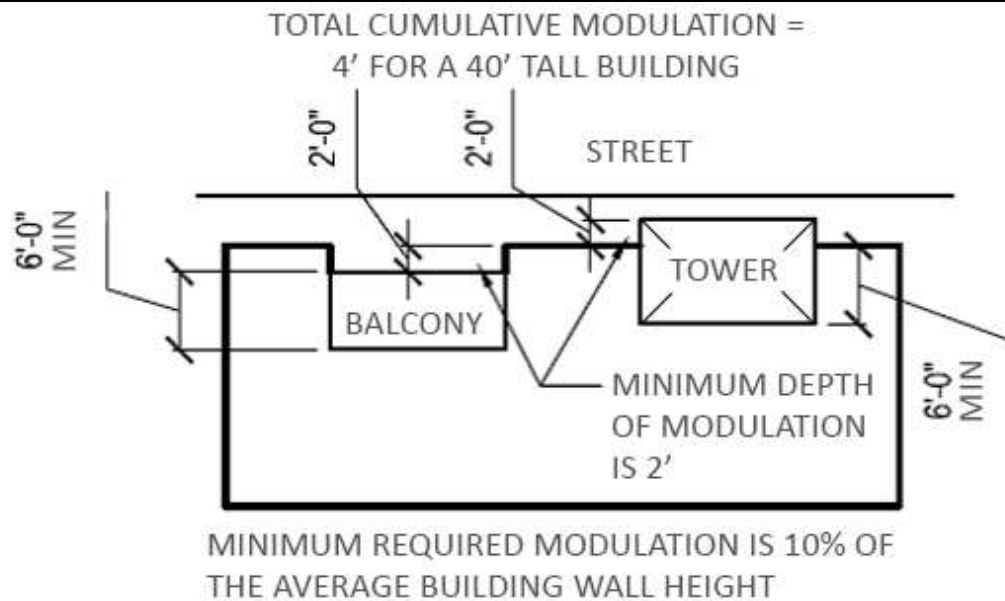
Figure 11.03.06.05B
Sidewalk Widths



4. *Residential Buildings.*
 - a. Dwellings must have a primary entrance on the front façade.
 - b. Buildings shall be a minimum of four (4) stories.
 - c. Dwelling units shall be a minimum of 450 square feet.
 - d. The front maximum build-to line for all buildings adjacent to streets or private drives shall be no more than 20 feet. Building step-backs are permitted above the second floor of any building.
 - e. Uncovered stairs may extend to the front property line.
 - f. The front yard may contain ornamental metal fencing and retaining walls not more than four (4) feet in height above the sidewalk.
5. *Nonresidential and/or Mixed Use Buildings.*
 - a. Residential dwelling units within mixed use buildings shall be a minimum of 450 square feet.

- b. The gross floor area of a single commercial establishment shall not exceed 25,000 square feet per floor.
 - c. Nonresidential buildings shall be a minimum of two (2) stories or thirty (30) feet in height. Mixed use buildings shall be a minimum of four (4) stories in height.
 - d. Front facades of buildings shall be oriented toward commercial streets within the mixed use tract, and must include a public entrance on this façade.
 - e. Walls without fenestration or building wall articulation shall not be permitted along any exterior wall facing a public or private street, parking area, or pedestrian area. Comparable materials and design elements must be used on all exposed sides of a building.
 - f. Transparency:
 - 1. A minimum of 75percent of the street-facing building facade between two (2) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
 - 2. Opaque, dark-tinted, or reflective glass is prohibited.
 - g. Building facades along streets, private drives, pedestrian areas, or common open spaces must be articulated with projections or recesses that cumulatively equal 10 percent of the average building wall height, with a minimum depth of two (2) feet. Such variations shall contribute to the building architecture, which may be expressed in any manner provided the cumulative relief is achieved, as shown in-Figure 11.03.06.05C, *Building Wall Articulation*. Such relief may be met through the use of oriel or bay windows, porches, porticos, vestibules, building articulation, towers, and other architectural treatments.
 - h. The front maximum build-to line for all buildings adjacent to streets or private drives is 30 feet. Building step-backs are permitted above the second floor of any building.
 - i. Building materials, windows, doors, and architectural detailing shall be compatible with adjoining residential buildings within the development.
6. *Massing and Scale of Unified Street Frontages.*
- a. *Facades.* Building facades shall be architecturally differentiated in an obvious manner and shall include at least two (2) of the following:
 - 1. Different colors;
 - 2. Cladding materials;
 - 3. Varying, height, provided that the change is at least 10 percent of the building height of the tallest module;
 - 4. Varying roof forms;
 - 5. Window arrangement; and/or
 - 6. Other facade articulation details (e.g., arcade, balcony, gallery, oriel or bay windows, pavilion, pergola, porches, porticos, terrace, tower, or vestibules, etc.).
7. *Floor-to-Floor Heights.* All commercial floor space provided on the ground floor of a mixed use building shall have a minimum floor-to-ceiling height of 12 feet.

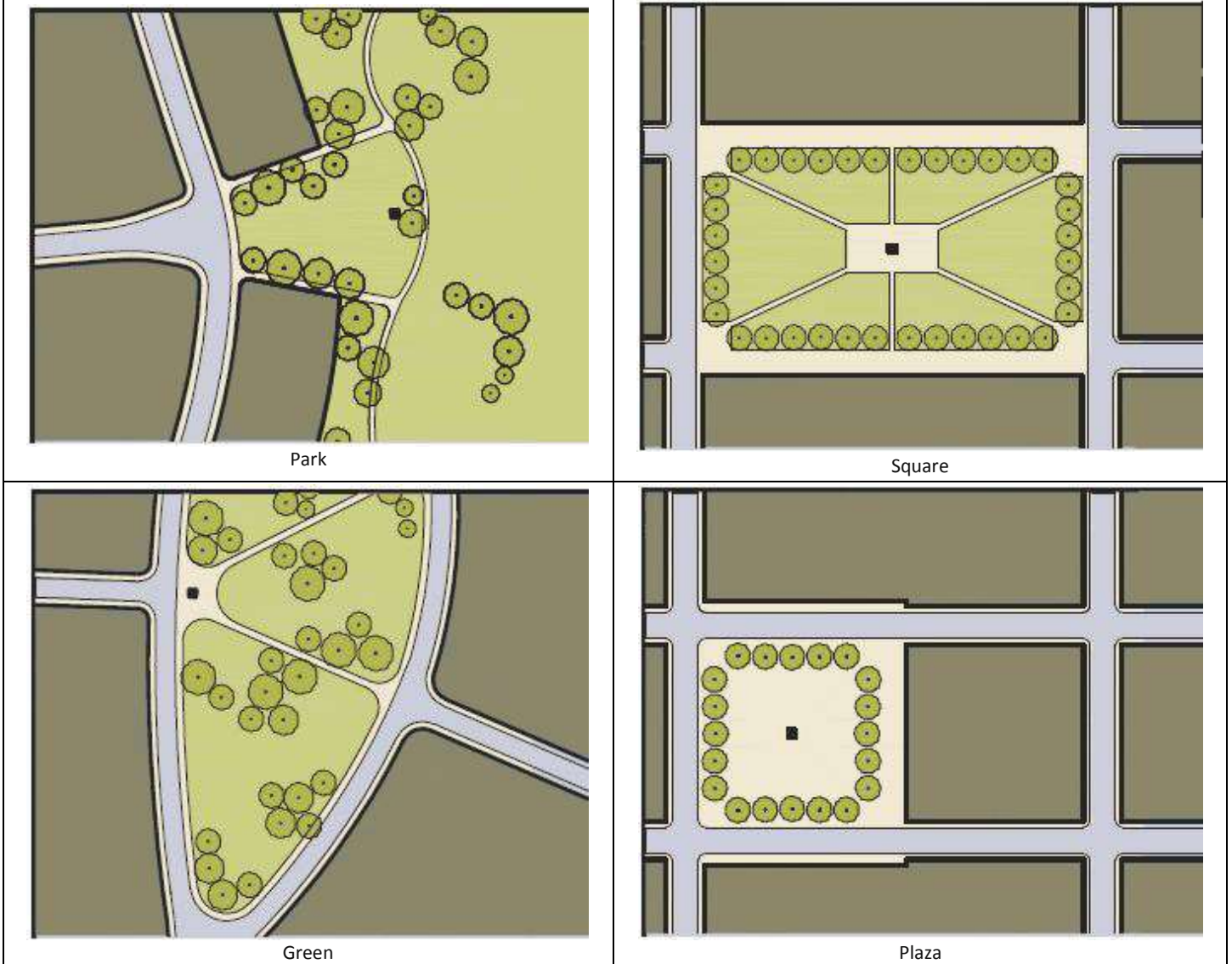
Figure 11.03.06.05C
Building Wall Articulation



E. **Open Space.** Open space is an important organizing element within a mixed use development, and must be integrated into the overall design of the project. Open space, both public and private, shall be distributed throughout the development and should provide not only aesthetic quality, but serve recreational and civic functions as well. A variety of types of open spaces shall be conveniently accessible to all residents and provide physical linkages throughout the development.

1. *Amount Required.* The minimum total required on-site, or alternatively approved by the Administrator, off-site open space is seven (7) percent of the gross land area of the mixed use development, which includes the central open space and drainage areas.
2. *Types of Open Space.* Various types of open space shall be provided, but shall include a central open space such as a park, square, piazza, green, or plaza, or if alternatively approved, must be within one-quarter mile (1,320 feet) of an off-site open space that serves the same or an equivalent function (see Figure 11.03.06.05D, *Types of Open Space*).

Figure 11.03.06.05D
Types of Open Space



3. *Active and Passive.* Additional open spaces may include active recreation facilities as well as passive open spaces such as greenways, creeks, detention or retention ponds, drainage areas, or other similar types of open space.
4. *Central Open Space Requirements.*
 - a. On- or off-site detention basins and other stormwater impounding areas, except for permanent wet ponds, may not be counted toward satisfying the central open space area requirement.
 - b. The central open space shall be located near the middle of the development or if alternatively approved, shall be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and nonresidential buildings in the development. 90 percent of the buildings within the development shall be located within one-quarter mile (1,320 feet) of the central open space.
 - c. In order to facilitate public interaction, the central open space shall be improved with a focal point such as a gazebo, public art or sculpture, pavilion, or paved patio area with a fountain or other iconic feature

to help identify the park as a primary gathering place for the development. The area of this focal point shall be a minimum of 300 square feet in size.

- d. The central open space in the development shall be accessible by pedestrians, bicycles, and vehicles. Sidewalks shall be provided adjacent to all roadways and shall be a minimum of six (6) feet wide and not be adjacent to a street curb.
- e. The central open space is a key component of a mixed use development. It shall be owned and maintained by a mandatory Property Owners' Association (POA), Management District, or another City-approved legal instrument.

F. Parking.

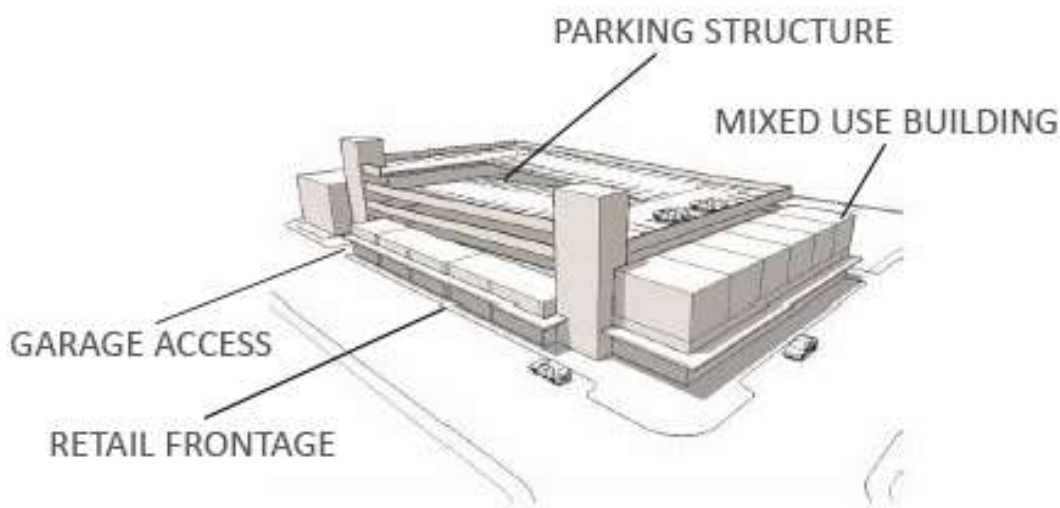
- 1. *On-street*: Street cross-sections shall be designed to include-parallel or angled parking on both sides of all streets that are internal to the mixed use development, which shall be used to create a desirable, pedestrian-oriented streetscape environment
- 2. *Off-street*: Off-street surface parking shall only be permitted for nonresidential uses and shall not front on any arterials or collector streets. Off-street surface parking is prohibited in front of any structure within a designated front yard, with the exception of nonresidential buildings only. The Administrator may approve two (2) rows of parking between nonresidential buildings and the arterial or collector roadway. Refer to Figure 11.03.06.05E, *Off-Street Surface Parking*. Off-street surface parking shall generally be located to the side or rear of main buildings. All off-street surface parking lots shall be landscaped with hedges or other types of low planting materials and screening walls along 100 percent of all street frontages and other public places. Off-street surface parking shall only be accessed from minor streets or alleys and shall be angled or parallel. Each off-street surface parking lot shall not exceed a total of 50 parking spaces, unless otherwise approved by the Administrator, to allow for adequate circulation.

Figure 11.03.06.05E
Off-Street Surface Parking



3. **Structured Parking.** Parking structures shall be provided to achieve the intended urban form, scale and intensity, density, and mixture of uses of a mixed use development. To fulfill these requirements, upon initial construction, structured parking is required for the residential use component of a mixed use development. In addition, structured parking must account for no less than 75 percent of the total required parking for a vertical mixed use building or 90 percent of a horizontal mixed use development. Parking shall be encapsulated within or below buildings in a manner that conceals it from predominant public view and that does not interrupt the continuity of the pedestrian environment, as displayed by Figure 11.03.06.05F, *Structured Parking*. All above-grade parking structures must be designed to be consistent with and complimentary to the architectural style of the main building(s). Freestanding parking structures are permitted provided they are either not situated along arterial or collector streets or they incorporate active ground-level, street-facing uses within the structure. Parking structures shall be positioned within the development to accommodate maximum shared use.

Figure 11.03.06.05F
Structured Parking



5. **Shared Parking.** Uses within a mixed use development may have different hours of operation and peak parking demand hours. Shared parking offers the potential to reduce the amount of impervious area and to enhance the efficiency of site design. Where a mixture of land uses create synergy with respect to the use of parking spaces due to differences in when the spaces are most likely to be used, the City may allow a reduction in the required number of spaces. To do so, an applicant may submit a shared parking study to demonstrate that the parking required for mixed uses is less than the cumulative total of the parking requirements for each individual use. The shared parking study is required to be undertaken by a qualified, certified traffic engineer.
- G. **Phasing.** For horizontal mixed use developments, a certificate of completion for a minimum of one (1) nonresidential building shall be issued prior to issuance of any certificates of occupancy for residential buildings.

ARTICLE 11.04 ACCESSORY USE, BUILDING, AND STRUCTURE STANDARDS

Division 11.04.01 Purpose, Applicability, and General Provisions

Sec. 11.04.01.01 Purpose

The purpose of this Article is to establish standards for accessory buildings, structures, dwelling units, and uses.

Sec. 11.04.01.02 General Provisions

The following provisions apply to both [Division 11.04.02, Residential Uses](#) and [Division 11.04.03, Nonresidential and Mixed Uses](#).

A. General Regulations.

1. A manufactured or mobile home is not permitted as an accessory building or structure.
2. An accessory building or structure may not be rented, sublet, or sold separately from the sale of the entire property.
3. An accessory building or structure is not allowed without the presence of a principal building or principal use.
4. Accessory buildings or structures shall not be located in front of the principal building or use.
5. A use that is prohibited in a zoning district shall not be permitted as an accessory use in the district, with the exception of outdoor storage.

B. Accessory Building Coverage.

1. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total gross floor area of the principal building.
2. The total of accessory buildings cannot exceed 20 percent coverage of the backyard of a single family residence, not to exceed 2,000 square feet and not to exceed the size of the principal building.
3. For any lot of five (5) acres or greater, the total square footage of accessory buildings shall not exceed 4,000 square feet, with the exception of a private airplane hangar as provided in this Article.
4. For property of any size located within 1,000 feet of an airport landing strip, a private airplane hangar for the sole purpose of airplane storage is permitted; however, the airplane hangar shall only for the owner or lessee of the principal building.

C. Attached Accessory Structures.

Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building; however, the attached accessory structure may encroach into the rear setback as long as a minimum rear setback of 10 feet is maintained.

D. Residential Occupancy.

No accessory building shall be used as a dwelling unit unless it is specifically permitted for such purpose.

E. Location, Height and Setbacks.

Square footage, setback and height requirements for accessory structures and buildings are noted in Table 11.04.01.01, *Accessory Building and Structure Standards*.

Table 11.04.01.01
Accessory Building and Structure Standards

Standard	Accessory Building			Accessory Structure		
Size	< 80 sf. ¹	81 - 180 sf. ²	> 180 sf. ²	< 80 sf. ¹	81 - 180 sf. ²	> 180 sf. ²
Height (ft.)	12'	15'	Equal to principal building	12'	15'	equal to principal building
Setback from Principal Building (ft.)	IBC or IRC	IBC or IRC	IBC or IRC	IBC or IRC	IBC or IRC	IBC or IRC
Interior Side Setback (ft.)	5'	5'	Equal to principal building	5'	5'	5'
Street Side Setback (ft.)	5'	10'	Equal to principal building	5'	5'	5'
Rear Setback (ft.)	5'	5'	Equal to principal building	5'	5'	5'
Street Side Rear Setback (ft.)	10'	10'	Equal to principal building	5'	5'	5'

Abbreviations:

IBC = International Building Code

IRC = International Residential Code

Table Notes:

1. Allowed in a public utility easement at the sole risk of the owner, which may be required at any time to be moved or removed by the owner to provide full, uninhibited access to the utility easement.
2. Shall not be located in a public utility easement.

Division 11.04.02 Residential Uses

Sec. 11.04.02.01 Residential Accessory Buildings and Structures

- A. No Building Permit Required.** The following accessory structures do not require a building permit:
1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and/or similar uses, provided the gross floor area is equal to or less than 80 square feet;
 2. Ponds, fountains, and landscape features;
 3. Prefabricated swimming pools that are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground; and
 4. Swings and other playground equipment accessory to single family dwellings.
- B. Building Permit Required.** The following accessory buildings and structures require a building permit:
1. Swimming pools, decks (except those decks exempt from a permit per Section R105 of the latest version of the International Residential Code as adopted by the City), and other similar structures as determined by the Administrator.
 2. Accessory buildings or structures that are accessory to single family residential uses and that exceed 80 square feet.
- C. Multifamily (MF), Urban Residential (UR), and Mixed Use (MU) Districts.** Accessory buildings located in the Multifamily (MF), Urban Residential (UR) and Mixed Use (MU) districts shall be a maximum of one (1) story, not to exceed 16 feet in height. The building height of accessory buildings in these districts shall be measured from finished grade if the building is located more than 100 feet from a single family residential use or district. The building height of accessory buildings in these districts shall be measured from natural grade if the building is located 100 feet or less from a single-family residential use or district.

- D. **Façade Requirements.** The façade of any accessory building greater than 180 square feet that is not located behind a privacy fence or is visible from the public street shall contain a minimum of 50 percent primary materials as defined in Article 11.03, *Development and Design Standards*.

Sec. 11.04.02.02 Accessory Dwelling Units

Accessory dwelling units may be allowed as an incidental residential use of a structure on the same lot as the principal dwelling unit and used by the same person or persons of the immediate family, or any authorized employees on the premises, on the condition that the following standards are met:

- A. **Ownership, Leasing, and Addressing.** An accessory dwelling unit:
1. Shall be owned by the same person(s) who own(s) the principal dwelling unit.
 2. May not be rented, sublet, or sold separately from sale of the entire property, including the principal dwelling unit.
 3. Shall have the same address and share the mailbox with the principal dwelling. Multiple mailboxes are prohibited.
 4. Shall be specifically permitted for such purpose.
- B. **Design.**
1. An accessory dwelling unit shall be designed and constructed so that it is in keeping with the general architecture and building material of the principal structure.
 2. No more than one (1) accessory dwelling unit (attached or detached) is permitted on the same lot with a principal dwelling unit.
 3. No accessory dwelling unit shall be permitted on the same lot with an attached single family or multifamily dwelling or family care home.
 4. Neither water nor wastewater services or electrical utilities shall be separately provided to the accessory dwelling unit.
 5. A minimum of one (1) additional parking space shall be provided for an accessory dwelling unit located on the premises. This addition of parking shall be located in only the side or rear yard.
- C. **Integrated or Attached Accessory Dwelling Units.**
1. The addition of an accessory dwelling unit shall not result in the principal building being altered in any way so as to appear from a public or private street to be a single family attached or multifamily dwelling.
 - a. Prohibited alterations include, but are not limited to, multiple entranceways or mailboxes on the front or side facades.
 - b. Access to the accessory dwelling unit shall be by means of an existing front, side, or rear door, except where a new entrance is required by building code.
 - c. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street, excluding alleys.
 2. An accessory dwelling unit shall occupy no less than 200 square feet and no more than 25 percent of the cooled floor area, or 400 square feet, of the principal dwelling, whichever is less.
- D. **Detached Accessory Dwelling Units.**
1. An accessory dwelling unit shall not be located in a detached garage conversion.
 2. The accessory dwelling unit shall only be located in the rear yard of the principal dwelling, provided:
 - a. The lot is not altered in any way so as to appear from a public or private street to be a single family attached or multifamily dwelling.
 - b. No access to the detached accessory dwelling unit is directly visible at any street.

3. Metal, prefabricated, or manufactured buildings are not permitted as accessory dwellings.
4. The accessory dwelling unit shall be housed in a building with a livable floor area of not less than 400 square feet and not more than 600 square feet of first floor area, not to exceed 650 gross square feet.

Sec. 11.04.02.03 Carports and Porte-Cocheres

- A. **Generally.** Carports and porte-cocheres are allowed:
1. Within the areas available for construction of principal and accessory buildings on all properties that are developed with detached or attached dwelling units, except multifamily dwelling units.
 2. Within parking areas (and in the case of porte-cocheres, passenger loading areas) of multifamily, nonresidential, and mixed use development.
 3. Provided they are accessible from a public or private street, alley, or private interior drive.
 4. Provided they are in addition to and not in lieu of an enclosed two (2) car garage constructed outside of the front or street side setback for all single family detached units constructed on lots greater than 35 feet in width.
 5. If the entry of the carport or porte-cochere is at least 20 feet from the property line parallel to the street from which they take access.
- B. **Prohibited.** Temporary, pre-assembled, or assembled on-site carports are prohibited in all districts.
- C. **Survey Required.** A copy of a plat of survey showing all existing buildings on the lot or parcel of land where the carport, car cover, or porte-cochere is proposed to be located shall be submitted with the required building permit application.
- D. **Height.** Carports and porte-cocheres shall not exceed one (1) story or 20 feet in height, whichever is less.
- E. **Design and Appearance.** All car ports and porte-cocheres shall be permanent structures that are built on-site. Except for approved trellises, arbors, or similar open-roofed structures, car ports and porte-cocheres that can be viewed from a public street shall be constructed so that supporting posts, fascia, soffits, and roof and roof slope are of the same materials and color and resemble the principal structure.
- F. **Applicable Building Standards.** Carports and porte-cocheres are subject to all applicable building codes of the City.
- G. **Building Permit Required.** As permanent structures, no carports or porte-cocheres shall be constructed without first receiving a building permit.

Division 11.04.03 Nonresidential and Mixed Uses

Sec. 11.04.03.01 Nonresidential Accessory Buildings and Structures

- A. **Building Permit Required.** All accessory buildings within a nonresidential district shall not be constructed without first receiving a building permit.
- B. **Permitted Exterior Building Materials.**
1. *25 Percent or Greater Primary Materials.* For nonresidential accessory buildings when the principal building(s) contain at least 25 percent primary materials, exclusive of doors and windows, 50 percent of the accessory structure façade shall include primary materials.
 2. *Less than 25 Percent Primary Materials.* For existing principal buildings constructed of cementitious fiberboard (e.g. Hardiplank or similar), wood, vinyl siding, or other non-masonry material and having less than 25 percent primary materials, accessory buildings may be constructed of the same material.

3. *Open Space Recreation (OSR) District.* For accessory buildings located in the Open Space Recreation (OSR) district, when the principal structure(s) contains at least 25 percent primary materials, exclusive of doors and windows, 25 percent of the accessory structure façade must be constructed of primary materials.

Sec. 11.04.03.02 Donation Bins

- A. **Generally.** Donation bins and similar temporary storage containers are permitted by registered nonprofit, charitable organizations for placing materials including, but not limited to, used clothing, toys, leather goods, and small electronics, and similar items or materials.
- B. **Permit Required.** Donation bins are considered an accessory structure and shall first receive a permit prior to installation. Donation bins may be placed only on developed nonresidential properties, subject to the requirements of this Section.
- C. **Number, Location, and Requirements.** Registered nonprofit, charitable organizations are permitted to place donation bins in accordance with the following standards:
 1. There shall be no more than one (1) donation bin on any property or portion of a property, or within 800 feet or another donation bin.
 2. The bin shall not exceed a capacity of 512 cubic feet (8' x 8' x 8' maximum dimensions).
 3. The bin shall be designed and installed in a manner that prevents the bin from tipping over.
 4. The organization placing the bin shall:
 - a. Disclose to the City by way of a written letter the intended recipient(s) of collected items and the percentage of funds or goods collected that will be paid or given to the nonprofit, charitable organization;
 - b. Submit to the City a written letter from the property owner consenting to the placement and maintenance of the donation bin;
 - c. Keep the bin in good repair, maintain the area around the bin free of litter, and remove any graffiti from the bin within 48 hours of discovery or notice;
 - d. Clear the bin of its contents no less than every two (2) weeks, or as needed, more often to prevent the placement of items outside of or around the bin; and
 - e. Clearly mark in an area no greater than one (1) square foot in size the name and telephone number of the registered nonprofit, charitable organization on the bin.
 5. Bins shall be located:
 - a. Only in an interior side or rear yard and shall be screened from public view; and
 - b. On a concrete surface that is not also a parking space and that does not, in any way, reduce the minimum required parking for the site on which it is located.
 - c. The location of bins shall not interfere with any of the requirements found in Cedar Park Code of Ordinances, Chapter 14, *Site Development*.
 6. The bins(s) shall be enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of the contents.

Sec. 11.04.03.03 Vending Kiosks

Vending Kiosks, are permitted only as an accessory use and shall comply with the following requirements.

- A. Drive through vending kiosks and Automated Teller Machines (ATM) shall circulate independently from parking areas and provide at least three (3) stacking spaces, including the position at the kiosk or ATM;
- B. Walk-up vending kiosks and ATMs shall be connected to the internal and external pedestrian circulation systems, and shall not interfere with vehicular circulation;

- C. All mechanical equipment associated with the kiosk facility shall be completely contained within a building;
- D. The kiosk shall:
 - 1. Be elevated above the parking lot and drive aisle surfaces and protected by a six (6) inch curb, with a minimum radius around the base of the kiosk of five (5) feet;
 - 2. Be set back from property lines one (1) foot for each foot in height of the kiosk or ATM;
 - 3. Not exceed a maximum height of 10 feet; and
 - 4. Be incidental to and customarily associated with a permitted principal use that is located on the same lot or parcel.

ARTICLE 11.05 DEVELOPMENT REVIEW BODIES

Division 11.05.01 Purpose and Application

The purpose of this Article is to:

- A. Describe the role of City Staff in the administration of this Ordinance and the approvals issued in accordance with it;
- B. Establish and describe the various Boards and Commissions responsible for making recommendations and/or decisions in the review, consideration, and approval or disapproval of development applications; and
- C. Describe the scope of authorities retained by the Planning and Zoning Commission, Board of Adjustment, and City Council with respect to the implementation, administration, and amendment of this Chapter.

Division 11.05.02 Bodies Established and Authorized

Sec. 11.05.02.01 Administrator

- A. **Generally.** The Administrator shall be the Director of Development Services, as designated by the City Manager, and all references herein shall include the Administrator's designees.
- B. **Authority and Responsibilities.**
 - 1. **Standards of Operation and Procedures.** The Administrator is authorized to establish standards of operation and procedures for the Development Services Department, or the department or division authorized by the City Manager, which are consistent with the purpose of this Ordinance, which may include, but are not limited to:
 - a. Internal review and referral procedures; and
 - b. The form and content of standardized application forms and checklists for the administration of this Ordinance.
 - 2. **Maintenance of this Chapter.** The Administrator is authorized to maintain, administer, and enforce this Chapter, as stated herein.
 - 3. **Recommendations.** The Administrator shall make reports with regard to all applications for development approval, except those which are decided by the Administrator or other members of the City staff, as stated in [Article 11.06, Approvals and Procedures](#).
 - 4. **Decisions.** As stated in [Sec. 11.06.03.01, Administrative Approvals](#), the Administrator shall decide all administrative matters prescribed in this Ordinance.

Sec. 11.05.02.02 Planning and Zoning Commission

- A. **Generally.** The Planning and Zoning Commission, established by Cedar Park Home Rule Charter, Article VIII *Planning and Zoning*, shall have the following powers and duties pursuant to Local Government Code Chapter 211, *Municipal Zoning Authority*.
1. **Zoning Text Amendment.** The Planning and Zoning Commission shall recommend to the City Council approval or disapproval of proposed changes to this Chapter and the appropriate zoning regulations for each zoning district pursuant to [Subsec. 11.06.03.02.05, Zoning Text Amendment](#)
 2. **Original Zonings & Rezonings.** The Planning and Zoning Commission shall recommend boundaries for the original zoning districts and rezonings pursuant to [Subsec. 11.06.03.02.01, Rezoning Request](#).
 3. **Other Matters.** The Planning and Zoning Commission shall hear, decide, and/or make recommendations as authorized by this Chapter, the Cedar Park Home Rule Charter, and Texas Local Government Code Chapter 211, including recommendations related to Master Development Plans, as stated in Subsec. 11.06.03.02.02, Planned Developments, as stated in Subsec. 11.06.03.02.03, and Special Use Permits as stated in Subsec. 11.06.03.02.04.
- B. **Composition and Rules.** The Planning Commission shall also serve as a Zoning Commission and which shall be known as the Planning and Zoning Commission. The Planning and Zoning Commission shall consist of no fewer than five (5) or more than seven (7) residents of the City who own real property within the City. The members of the Commission shall be appointed by the Council for a term of two (2) years, or until their successors are appointed and qualified. Vacancies on the Commission shall be filled for the unexpired term by the Council. The Commission shall elect a chairperson, vice-chairperson and a secretary from among its appointed members. Four (4) Commission members shall constitute a quorum and a minimum of four (4) affirmative votes shall be required to take official action for the transaction of business. Each Commission member shall be at least 18 years of age, a registered voter of the City and have resided within the City for 12 consecutive months before being appointed.

Sec. 11.05.02.03 City Council

- A. **Generally.** The City Council, established by Cedar Park Home Rule Charter, [Article III, City Council](#), shall have the following powers and duties pursuant to Local Government Code Chapter 211, *Municipal Zoning Authority*.
1. **Zoning Text Amendment.** The City Council shall hear and decide on proposed changes to this Chapter and the appropriate zoning regulations for each zoning district pursuant to [Subsec. 11.06.03.02.05, Zoning Text Amendment](#).
 2. **Original Zonings & Rezonings.** The City Council shall hear and decide boundaries for the original zoning districts and rezonings pursuant to [Subsec. 11.06.03.02.01, Rezoning Request](#).
 3. **Other Matters.** The City Council shall hear and decide other matters, as authorized by this Chapter, the Cedar Park Home Rule Charter, and Texas Local Government Code Chapter 211, including decisions related to Master Development Plans, as stated in Subsec. 11.06.03.02.02, Planned Developments, as stated in Subsec. 11.06.03.02.03, and Special Use Permits as stated in Subsec. 11.06.03.02.04.
- B. **Voting Standards.**
- Approvals shall require an affirmative vote of four (4) members of the City Council; provided, however, a proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council if:
1. The Planning and Zoning Commission has recommended against a proposed amendment, supplement, change, or modification; or
 2. A proposed change to a regulation or boundary is protested in accordance with Texas Local Government Code, Sec. 211.006, *Procedures Governing Adoption of Zoning Regulations and District Boundaries*, as follows:

- a. A protest of a zoning decision shall be filed no later than the 30th day after the date that public notice is given, as stated in [Sec. 11.06.02.02, Public Notice](#);
- b. The protest must be written and signed by the owners of at least 20 percent of either:
 1. the area of the lots or land covered by the proposed change; or
 2. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.
- c. In computing the percentage of land area in this Subsection, the area of streets and alleys shall be included.

Sec. 11.05.02.04 Zoning Board of Adjustment

- A. **Generally.** The Zoning Board of Adjustment, established by Cedar Park Home Rule Charter, Article VIII Planning and Zoning, shall have the following powers and duties pursuant to Local Government Code Chapter 211, *Municipal Zoning Authority*.
 1. **Administrative Appeals.** The Zoning Board of Adjustment shall hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter.
 2. **Special Exceptions.** The Zoning Board of Adjustment shall hear and decide special exceptions to the terms of this Chapter.
 3. **Variances.** The Zoning Board of Adjust shall authorize in specific cases a variance from the terms of this Chapter if the variance is not contrary to the public interest, and due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of this Chapter is observed and substantial justice is done.
 4. **Other Matters.** The Zoning Board of Adjustment shall hear and decide other matters, as authorized by this Chapter, the Cedar Park Home Rule Charter, and Texas Local Government Code Chapter 211.
- B. **Composition and Rules.** The Zoning Board of Adjustment shall consist of seven (7) members and not more than four (4) alternates. All shall be residents of the City and shall own real property within the City. The members and alternates of the Board shall be appointed by the Council for two (2) years, or until their successors are appointed and qualified. Vacancies on the Board shall be filled for the unexpired term by the Council. The Board shall elect a chairperson, vice-chairperson, and secretary from among its appointed members and adopt its own rules of procedure consistent with due process of law and in accordance with the laws of the State of Texas. 75 percent of the members of the Board shall constitute a quorum. Each member shall be at least 18 years of age, a registered voter of the City and have resided within the City for 12 consecutive months before being appointed. Where required by law, a concurring vote of 75 percent of the members of the Board shall be necessary for action.

ARTICLE 11.06 APPROVALS AND PROCEDURES

Division 11.06.01 Purpose and Applicability

Sec. 11.06.01.01 Purpose

The purpose of this Article is to state the development procedures to be undertaken in sequence until an application is considered and decided by the decision-making body identified in this Article.

Sec. 11.06.01.02 Applicability

The Divisions of this Article apply as follows:

- A. **Division 11.06.02, *Application Process***, establishes the procedures that are generally applicable to all development applications.
- B. **Division 11.06.03, *Approvals and Procedures***, establishes the procedural requirements for development applications that allow Administrator review and final approval and sets out the procedural requirements for development applications that require a public hearing and recommendations by the Planning and Zoning Commission, prior to consideration and approval or disapproval by the City Council.
- C. **Division 11.06.04, *Appeals and Variances***, sets out the procedural requirements for development applications that require review and recommendations by the Administrator, and consideration and approval or disapproval by the Zoning Board of Adjustment and Planning and Zoning Commission, respectively.

Division 11.06.02 Application Process

Sec. 11.06.02.01 Pre-Application Conference for Certain Development Types

- A. **Required.** A pre-application conference is required for applications for planned development, a mixed use development, and a master development plan for a Planning Area (PA).
- B. **Purpose.** At the pre-application conference, the Administrator, or a designee, and other members of the Development Review Committee, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the City and what information will have to be provided.

Sec. 11.06.02.02 Public Notice

- A. **Generally.**
 - 1. Public notice shall be provided in accordance with the requirements of this Section and the applicable requirements of the Texas Local Government Code (TLGC).
 - 2. If the requirements of this Ordinance conflict with the requirements of the TLGC, the stricter requirement shall prevail.
- B. **Rezoning and Special Use Permit General Notice Requirements.** The following notice requirements shall apply to all rezoning applications, including special use permits, planned developments, and Planning Area (PA) master development plans:
 - 1. **Publication.** Notice of the time, date, and place of a public hearing of the Planning and Zoning Commission and City Council is required by one (1) publication in a newspaper of general circulation in the City. Such notice shall:
 - a. State the nature of the proposed zoning change, the address and location of the subject property being considered, and the hearing date; and
 - b. Be published before the 15th day before the City Council public hearing date.
 - 2. **Mailed Notice.** Written notice of the time, date, and place of the public hearing is to be sent to all owners of real property located within 300 feet of the property for which the zoning change is requested.
 - a. The notice shall be sent prior to the 10th day before the Planning and Zoning public hearing date by depositing in the mail such notice properly addressed and postage paid;
 - b. The notice shall be sent to each owner as the ownership appears on the last approved City tax roll; and

- c. The Administrator shall record the names and addresses of all persons, firms, and corporations to whom notices were mailed, including the date of mailing.
3. *Posting Signs.* The applicant shall post signs noticing the public hearing as stated below:
 - a. For property located on roadways with a speed limit less than 45 miles per hour, 18" x 24" signs shall be placed at intervals of 200 feet along the roadway frontage of the property.
 - b. For property located on a roadway with a speed limit of 45 mph and greater, 24" x 36" signs shall be placed at intervals of 200 feet along the roadway frontage of the property.
 - c. No more than three (3) signs shall be required per roadway frontage.
 - d. If a tract has less than 200 feet of frontage per roadway, then only one (1) sign is required per road frontage.
 - e. Signs shall be erected at least 10 days prior to the Planning and Zoning public hearing.
4. *Neighborhood Communication Summary.* If any property that is the subject of a rezoning is located within 300 feet of any property zoned for single family residential development, the applicant is required to submit a Neighborhood Communication Summary.
 - a. *Purposes.* The purposes of the Neighborhood Communication Summary are to:
 1. Educate the applicant and area residents about each other's interests;
 2. Open channels of dialog between the applicant, existing land owners, and residents;
 3. Attempt to resolve issues in a manner that is respectful of all interests; and
 4. Identify unresolved issues.
 - b. *Neighborhood Meeting Optional.* A general neighborhood meeting may be conducted to achieve the purposes of this process but is not required. Any method, or combination of methods of communication, may be utilized.
 - c. *Submittal.* By the close of business on the day prior to a scheduled public hearing, the applicant shall provide the Administrator with a Neighborhood Communication Summary that includes the following information:
 1. Efforts implemented to notify neighborhoods about the proposal, including who was notified, how they were notified, and when they were notified;
 2. Information about the project that was shared with owners and residents via mailings, workshops, meetings, open houses, flyers, and/or door-to-door meetings;
 3. A list of who was involved in the discussions;
 4. The suggestions and concerns raised by the neighborhoods; and
 5. The specific actions that were taken, or that are proposed to be taken, in response to feedback from the residents.
 - d. *Present at Public Hearing.* The applicant must present the summary report to the authorized decision-making body at the public hearing.
- C. **Zoning Text Amendment.** Amendments to the text of this Ordinance shall follow the publication notice requirements stated in Subsection B.1, above.

Sec. 11.06.02.03 Withdrawals

- A. **Generally.** Applications may be withdrawn as provided in this Section.
- B. **Withdrawal.**
 1. Any application may be withdrawn, either in writing or on the record, during the proceedings before the Planning and Zoning Commission recommendation or decision is made.

2. Any application, or amended application for zoning or rezoning, may also be withdrawn within 10 calendar days after the Planning and Zoning Commission's recommendation of denial or prior to the next regularly scheduled City Council meeting, whichever is sooner. Such withdrawal may occur no more than twice in any 12-month period. After an application for the same property has been withdrawn twice in a 12-month period, no further applications for a zoning or rezoning to the same or less restrictive zoning district will be accepted for a period of 12 months from the date of second withdrawal.
3. If an application is withdrawn after the 10 calendar days as stated above, no new application shall be accepted for zoning or rezoning to the same or less restrictive zoning district within 12 months from the date of withdrawal.
4. All application fees will apply with each submittal or re-submittal.

Sec. 11.06.02.04 Successive Applications

- A. **Generally.** It is the policy of the City not to hear successive applications for substantively similar requests after an initial application is denied.
- B. **Time Required Between Substantially Similar Applications.**
 1. Whenever any application listed in [Division 11.06.04, Appeals and Variances](#), has been denied on its merits, no subsequent application seeking substantively similar relief, whether or not in the same form or on the same theory, shall be accepted unless, in the opinion of the Administrator substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
 2. Whenever any application listed in [Sec. 11.06.03.02, Public Hearing Approvals](#), has been denied on its merits:
 - a. A second application seeking substantively similar consideration in the same form, may not be accepted by the City for a period of 12 months after an original application is denied; and
 - b. Any subsequent application filed more than 12 months after the final denial of a prior application shall be presumed to be based on new grounds and shall be heard on the merits as though no prior application has been filed.

Sec. 11.06.02.05 Fees

- A. **Generally.** An applicant shall pay fees as set forth in Appendix A of the Code of Ordinances for the processing and review of the various applications. Such fees shall include:
 1. Application submittal fees; and
 2. Required reimbursement for extraordinary costs to the City necessitated by an application, such as fees for expert technical review or advice from consultants, such as, but not limited to, the review of a special report or legal instrument.
 3. Additional development applications or approvals may not be processed by the City until any outstanding application or review fees or expenses incurred by the City have been paid in full.
- B. **Relationship to Application.** Fees must be paid at time of application submittal.
- C. **No Refunds.** The application fee, and any additional fees incurred by the City in the review of an application shall be paid in full by the applicant and are non-refundable.

Division 11.06.03 Approvals and Procedures

Sec. 11.06.03.01 Administrative Approvals

- A. **Generally.** Administrative approvals are those that are issued administratively by the Administrator, Building Official, or other City staff person under this Chapter.

- B. **Appeals of Administrative Approvals.** Administrative decisions may be appealed in accordance with Section 11.06.04.01.

Sec. 11.06.03.02 Public Hearing Approvals

- A. **Generally.** Public meeting dates are established by the City after the applicant has satisfied all submittal requirements of this Ordinance. Applications that require a public hearing are provided in this Division. Additional development approvals may be required by federal, state and local law.
1. A public hearing approval is issued by the City Council during a public meeting, or if it is for an application for a variance pursuant to Section 11.06.04 *Appeals and Variances*, the Zoning Board of Adjustment during a public meeting.
 2. At a public hearing:
 - a. The Planning and Zoning Commission may make a recommendation of approval, conditional approval, or denial of the application to the City Council, may continue the application, or may approve certain applications where it has the authority.
 - b. The Zoning Board of Adjustment may approve, conditionally approve, or deny an application where it has the authority.
 - c. The City Council may approve, conditionally approve, or deny an application at the conclusion of the public hearing process and upon a second reading of the ordinance, or may continue action on the request.
- B. **Development Approval Process.** In general, the approval procedures provided in this Division are intended to be undertaken in sequence until the application is considered and decided by the decision-making body.

Subsection 11.06.03.02.01 Rezoning Request

- A. **Generally.** The boundaries of any zoning district in the City may be changed, or the district classification of any parcel of land may be changed, as provided in this Subsection.
- B. **Authority to Request Rezoning.** The City, or the owner(s) of any property within the corporate limits of the City may request to rezone such property.
- C. **Submittal Requirements.** When requesting a rezoning, the applicant shall submit a completed application, which shall include the following information:
1. A completed application requesting the rezoning;
 2. The street address, location, and legal description of the subject property;
 3. A certified boundary survey of the land area subject to the request, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 300 feet in all directions of the boundary of the land area subject to the request;
 4. A list of surrounding property owners and their legal mailing addresses within 300 feet of the exterior boundary of the parcel proposed to be zoned or rezoned;
 5. A Tax Certificate from the County Treasurer showing the status of all current taxes due on such parcel;
 6. A statement by the applicant explaining the rationale for the rezoning request;
 7. A neighborhood communication summary in accordance with Sec. 11.06.02.02(B)(4).
 8. The required application fee in accordance with Sec. 11.06.02.05; and
 9. Any additional information that may be deemed to be appropriate and necessary to demonstrate that the rezoning, if granted, would be compatible with surrounding development.

D. Procedures.

1. *Staff Review Process.* Upon submittal, the Administrator shall ensure the submittal is complete and will initiate the review process of the request.
2. *Review by Planning and Zoning Commission.*
 - a. The Planning and Zoning Commission shall conduct a public hearing;
 - b. The Planning and Zoning Commission shall formulate a recommendation for City Council consideration.
 - c. The recommendation shall be transmitted to the City Council and applicant.
3. *Review by the City Council.*
 - a. The City Council shall conduct a public hearing;
 - b. The Council shall either approve, conditionally approve, or deny the request.
 - c. The City Council may establish similar conditions of operation, location, arrangement and construction to those of the Planning and Zoning Commission, as stated in E., below, if such conditions are deemed to be in the public interest or to assure compliance with other aspects of this Ordinance and surrounding development.
 - d. In making its decision, the City Council shall consider the recommendation of the Planning and Zoning Commission, staff reports, and the written and oral testimony presented.

E. Establishment of Conditional Overlay (CO) district. The property owner, Administrator, Planning and Zoning Commission or City Council may establish a Conditional Overlay (CO) district to establish conditions of operation, location, arrangement and construction if such conditions are deemed to be in the public interest or to assure compliance with other aspects of this Ordinance and surrounding development. The conditions imposed by a Conditional Overlay may:

1. Prohibit permitted, conditional, special, or accessory uses otherwise authorized in the base district;
2. Decrease the number or average density of dwelling units that may be constructed on the property;
3. Increase the minimum lot size or lot width requirements;
4. Increase the minimum buffer yard and setback requirements;
5. Restrict access to abutting and nearby roadways; or
6. Restrict any other specific site development regulation required or authorized by this Ordinance.

Subsection 11.06.03.02.02 Master Development Plan

A. Generally. A master development plan provides a general site layout for property within a Planning Area (PA) district as a first step toward development. It is intended to provide the applicant an opportunity to submit a master plan showing the nature and character of land proposed for development. The master development plan is the basis for approval of individual site plans and preliminary and final plats, and is also the basis on which a public hearing is held, thereby allowing consideration of the proposal at a preliminary stage. Approval of the master development plan establishes the following:

1. General locations and types of residential, nonresidential, and public or institutional uses;
2. Minimum and maximum gross densities and heights of residential uses;
3. General locations and the extent of public parkland and private open spaces and amenities;
4. General phases of development;
5. A general identification of the lands to be dedicated for public purpose; and
6. Any special flood hazard area which may exist in the development.

B. Applicability.

1. *Prerequisite.* Submittal, review, and approval of a master development plan is a prerequisite for submission of any other plan or permit approval within a Planning Area (PA) district.
2. *Minimum Property Size.* A master development plan proposal shall contain at least 10 acres of contiguous property. A written request may be made for master development of a smaller tract, which requires approval by the Administrator.

C. Procedure. The review and approval procedures are as follows:

1. *Application.* The applicant shall submit a completed application to the Administrator. The application shall contain the following information:
 - a. The items of information outlined in [Subsec. 11.06.03.02.01, Rezoning Request](#), plus:
 - b. A map depicting the existing zoning and land uses of the subject property and all land within 500 feet;
 - c. A map depicting the approximate locations and sizes of existing streets, water mains, storm and sanitary sewers, gas lines, or other underground installations;
 - d. A written statement describing the proposed development and its conformance with the Comprehensive Plan and its policy statements;
 - e. Schematic land plan drawn at a range of scale from 10 feet to an inch to 100 feet to an inch of the proposed development plan showing, at a minimum:
 1. Public parkland and private open spaces;
 2. The general placement and heights of residential, nonresidential, institutional, mixed use, and other buildings and land uses;
 3. An approximate layout of street rights-of-way, their proposed roadway designations, and alignment with existing streets;
 4. General plans for transitioning uses and development types, particularly for the existing, adjoining developments, as applicable; and
 5. Site features to be preserved or integrated into the development.
 - f. Tabulation of the following information which may be expressed in ranges, if applicable:
 1. Total number of dwelling units proposed;
 2. The general categories of land use categorized to include, but not be limited to:
 - a. Residential uses by type of structure;
 - b. Commercial uses;
 - c. Industrial uses;
 - d. Public (common) and private open space; and
 - e. Streets.
 3. The general categories of land uses and their percentages of the total site area;
 - g. If the development is proposed for construction in phases, an expected schedule for the development of each phase; and
 - h. Other information as the Administrator, Planning and Zoning Commission or City Council deem necessary to perform a full and complete review of the application.
2. *Waiver of Specific Submissions.* At the conclusion of, or any time following a pre-application conference, as stated in [Sec. 11.06.02.01, Pre-Application Conference for Certain Development Types](#), any information or documentation required to be submitted may be waived by the Administrator on the basis that the item is not necessary to a full and complete review of the proposed development. Such waiver shall be in writing with a copy attached to the application.

3. *Actions by the Administrator, Planning and Zoning Commission, and City Council.* The procedures for the review and approval of a Master Development Plan shall be as set out in [Subsec. 11.06.03.02.01, Rezoning Request](#).

Subsection 11.06.03.02.03 Planned Development

- A. **Generally.** A Planned Development (PD) District is a district that accommodates planned associations of uses developed as integral land use units. A planned development concept plan is a required submittal with the application for approval of a planned development. The concept plan is intended to illustrate a development in sufficient detail to provide a full and proper consideration and disposition of the application.
- B. **Purpose.**
 1. *Generally.* A Planned Development District accommodates a master planned association of land uses which are within an integrated developed. This district may be used to facilitate a larger-scale, multi-phase, or mixed use development. The district is intended to allow new or innovative concepts in land development that may not be permitted in other zoning districts. Generally, greater flexibility is given to allow special conditions or restrictions which may not otherwise allow the development.
 2. *Threshold.* No planned development shall be created unless the applicant demonstrates that the planned development materially advances the purposes stated in this Subsection.
- C. **Applicability.** A planned development proposal shall contain at least 10 acres of contiguous property. A written request may be made for planned development of a smaller tract, which requires approval by the Administrator.
- D. **Procedures.** The procedures are the same as that for a rezoning request, as stated in [Subsec. 11.06.03.02.01, Rezoning Request](#), and include the additional requirements set forth below:
 1. *Application.* The applicant shall submit a complete application to the Administrator. The application shall contain the information set forth below.
 2. *Submittal Requirements:*
 - a. The items of information outlined in [Subsec. 11.06.03.02.01, Rezoning Request](#);
 - b. Identification of the base zoning district(s) to which the PD is most similar;
 - c. A statement of intent and purpose of the PD;
 - d. Development regulations for the PD; and
 - e. A concept plan that illustrates graphically the standards contained within the PD.
 3. *Applicable Regulations.* Development regulations shall be included as part of the Planned Development, and may include, but are not be limited to:
 - a. Land uses;
 - b. Densities;
 - c. Lot areas and widths;
 - d. Lot depths;
 - e. Building coverage and heights;
 - f. Building elevations;
 - g. Parking and access;
 - h. Screening and landscaping;
 - i. Mandatory property owner's association; a mandatory property owner association shall be required for a development proposed for more than one (1) lot and/or owner for providing, operating, and maintaining the facilities, grounds, parking and drive areas, open spaces, detention, and amenity areas. If an owner's association is required, the articles for incorporation of an owner's association shall be reviewed by the City to assure compliance with the provisions of this Ordinance; and

- j. Other regulations as the Planning and Zoning Commission and the City Council may deem appropriate to perform a full and complete review of the application.
- 4. *Actions by the Administrator, Planning and Zoning Commission, and City Council.* The procedures for the review and approval of a planned development shall be as stated in [Subsec. 11.06.03.02.01, Rezoning Request](#).
- 5. *Modifications to the PD.*
 - a. Owners of property within a PD may request rezoning for only a portion of the PD District they own. Notice of such rezoning will be based on the boundary of the portion of the PD District being rezoned rather than the entire PD District. In considering the request, the Planning and Zoning Commission and City Council shall evaluate the effect of the rezoning on the remaining property within the PD District. If the Planning and Zoning Commission or City Council determine that the rezoning necessitates adjustments to the terms and conditions of the original PD District, the zoning case to rezone the portion of the PD District will be tabled so that the City can initiate a zoning case for the remainder of the PD District and first consider amendments to the terms and conditions of the original PD District.

Subsection 11.06.03.02.04 Special Use Permit

- A. **Generally.** A Special Use is a use that is allowed within a district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within or adjacent to the district. The designation of a Special Use means that it is only allowed in a proposed location if all of the conditions applicable to the use are met. A Special Use may or may not be appropriate in a particular location depending on the value of the public need and benefit versus the impacts of the use.
- B. **Applicability.** The provisions of this Subsection are applicable to all uses that are designated as "special" in [Sec. 11.02.03.03, Residential Uses by Zoning District](#), and [Sec. 11.02.03.04, Nonresidential Uses by Zoning District](#).
- C. **Submittal Requirements.** When requesting a Special Use Permit, the applicant shall submit a completed application including the following:
 - 1. The items of information outlined in [Subsec. 11.06.03.02.01, Rezoning Request](#);
 - 2. A statement by the applicant explaining the rationale for the SUP request;
 - 3. A concept plan including:
 - a. Number and location of access points to the property, proposed structures and uses with particular reference to automotive, bicycle, transit and pedestrian safety and convenience; traffic flow and control; emergency access; and location of off-street parking, loading spaces, and service areas;
 - b. General compatibility and appropriateness of the permitted use in relationship to other nearby properties and uses, including consideration of lighting, signage, and hours of operation, screening/buffering, landscaping, noise/odors, and other factors;
 - c. Compliance with the goals and objectives of the Comprehensive Plan; and
 - 4. Any additional information that may be deemed to be appropriate and necessary to demonstrate that the SUP, if granted, would be compatible with surrounding development.
- D. **Approval Criteria.** In review of a Special Use, the Planning and Zoning Commission, City Council, and staff shall utilize the following in their review, recommendations, and decision:
 - 1. The proposed Special Use permit conforms to adopted plans and all other applicable provisions of this Ordinance;
 - 2. Adequate public facilities and services are available without the reduction of services for any existing uses;
 - 3. All proposed accessory uses demonstrate that they are necessary and desirable;

4. The proposed Special Use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
 5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance, architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and
 6. The maximum density is no greater than that permitted in the applicable zoning district.
- E. **Procedures.** An application is processed as stated in [Subsec. 11.06.03.02.01](#), *Rezoning Request*.
- F. **Decision.** In granting a Special Use, the Planning and Zoning Commission or City Council may:
1. Impose standards, conditions, and requirements in addition to or which supersede those of this Ordinance, as deemed necessary to advance the purposes and intent of this Ordinance, provided that such requirements are directly related to the impacts of the proposed use; and
 2. Require that a performance guarantee, acceptable in form, content, and amount to the City, be posted by the applicant to ensure continued compliance with all applicable conditions and requirements.
- G. **Findings of Fact / Basis for Denial.** After considering the public comment relating the criteria listed above in relation to the requested special use permit, the Planning and Zoning Commission and City Council shall find:
1. If the application is granted, that the application sufficiently addresses each of the criteria listed above; and
 2. If the application is denied, that the application failed to sufficiently address one (1) or more of the stated criteria.
- H. **Perpetually Binding.** A Special Use shall be perpetually binding upon and shall run with the property.
- I. **Abandonment or Failure to Commence Special Use.**
1. If a special use has not progressed in accordance with Texas Local Government Code, Chapter 245, *Issuance of Local Permits*, the Special Use shall be deemed expired.
 2. If any Special Use is discontinued for a period exceeding one (1) year or replaced by another use, the Special Use permit shall be deemed abandoned.
- J. **Enlargements, Modifications, or Alterations.**
1. A building, premise, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
 - a. Increase the height of structures, including, without limitation, antenna support structures;
 - b. Increase the gross floor area of the building;
 - c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use; or
 - d. Reduce the amount of open space.
 2. All other enlargements, modifications, structural alterations, or changes other than those outlined in Subsection J.1., above, shall require the approval of a new Special Use Permit.

Subsection 11.06.03.02.05 Zoning Text Amendment

- A. **Generally.** The City Council may amend the text of this Ordinance in accordance with the procedures stated in this Subsection and [Division 11.06.02](#), *Application Process*, to implement the Comprehensive Plan, conform to state or federal legal requirements, address changing or changed conditions, or otherwise advance the public health, safety, and welfare of the City.

- B. **Applicability.** The City Council and any other body that is described in [Article 11.05, *Development Review Bodies*](#), may initiate an amendment by motion.
- C. **Procedures.** The Planning and Zoning Commission and City Council shall each hold a public hearing. The procedure shall incorporate the following additional requirements:
1. *Staff Review.* The Administrator shall review each proposed amendment in light of the criteria in Subsection C.4., below, and refer the application to other departments or entities as deemed necessary. Based on the results of those reviews, the Administrator shall provide a report and recommendation to the Planning and Zoning Commission.
 2. *Planning and Zoning Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing on the proposed text amendment. Following the public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council.
 3. *City Council Action and Decision.* Upon receipt of the recommendation from the Planning and Zoning Commission, the City Council shall, after a public hearing, vote to approve, conditionally approve, or deny the proposed amendment, based on the approval criteria below. The City Council may also refer the proposed amendment back to the Planning and Zoning Commission for further consideration, continue a public hearing, or postpone action on an application.
 4. *Approval Criteria.* Recommendations and decisions regarding petitions for amendments to text of this Ordinance are legislative in nature, but shall be based on consideration of all the criteria that the proposed amendment:
 - a. Will help to implement the Comprehensive Plan;
 - b. Is consistent with the stated purposes of this Ordinance;
 - c. Will maintain or advance the public health, safety, or general welfare;
 - d. Will help to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to mobility, air quality, water quality, noise levels, storm water management, and vegetation; or will be neutral with respect to these issues; and
 - e. Will advance the strategic goals of the City Council.

Division 11.06.04 Appeals and Variances

Sec. 11.06.04.01 Appeals

- A. **Generally.** An appeal may be taken to the Zoning Board of Adjustment by any person aggrieved or by any officer, department, or board of the City affected by a decision of the Administrator under this Chapter.
- B. **Applicability.** The Zoning Board of Adjustment shall hear and decide appeals that allege error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Texas Local Government Code, Chapter 211, Subchapter A, *Municipal Regulatory Authority*, or this Chapter.
- C. **Procedures.** The procedure for an appeal under this Section shall be in accordance with Texas Local Government Code, Section 211.010, *Appeal to Board*, this Subsection, and any applicable adopted rules of procedure.
1. *Decision.*
 - a. The Zoning Board of Adjustment shall decide the merits of the appeal based on their findings of fact and deliberations.

- b. In any case where the notice of appeal is accompanied by an application for variance, the Zoning Board of Adjustment shall have the authority to grant, as part of the relief, a variance but only in strict compliance with each provision stated in [Sec. 11.06.04.02, Variance](#).
2. *Effect of Appeal*. In any case where this Ordinance imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Adjustment on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

Sec. 11.06.04.02 Variance

- A. **Generally.** The variance procedure is intended to provide a means by which relief may be granted from unforeseen applications of this Ordinance which create unnecessary hardships or practical difficulties. The variance procedure provided in this Section is only appropriate when remedy of such hardships is not allowed pursuant to other provisions of this Chapter.
- B. **Applicability.** The Zoning Board of Adjustment may authorize in specific cases a variance from the terms of this Chapter if the variance is not contrary to the public interest, and due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of this Chapter is observed and substantial justice is done. Variances may be authorized only in accordance with the conditions enumerated in Subsection D, *Hardship Criteria*, below, and then only in compliance with the procedures of this Section.
- C. **Use Variances Prohibited.** Variances that authorize a use other than those permitted in the district for which the variance is sought are not permitted.
- D. **Hardship Criteria.**
 1. An applicant for a variance has the responsibility to demonstrate how or why the strict application of applicable requirements of this Ordinance would result in an unnecessary hardship due to circumstances unique to the property on which a variance is sought.
 2. The Zoning Board of Adjustment may only grant a variance from any requirement of this Ordinance if it makes written findings that affirm each of the following criteria are satisfied:
 - a. There are special conditions unique to the property, such as lot size, shape, orientation, topography or other physical features, that are not generally characteristic of other properties in the area;
 - b. Due to these special conditions, strict application of this Chapter would deprive the applicant of reasonable use of the property and would result in an undue hardship;
 - c. The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary / financial;
 - d. Development under the variance would not alter the character of the area adjacent to the property, impair the use of adjacent property developed in compliance with this Ordinance, or impair the purpose of the regulations of the zoning district in which the property is located;
 - e. Granting the variance request would not be contrary to the public interest or detrimental to the public health, safety, or welfare;
 - f. Granting the variance request would be within the spirit of this Chapter and result in substantial justice; and
 - g. Any other criteria that should be considered pursuant to state law.
- E. **Variance Process.**
 1. All requested variances from this Ordinance shall be made in writing at least 30 calendar days prior to the date on which consideration of the variance would be given by the Zoning Board of Adjustment.
 2. The applicant requesting a variance shall submit documentation describing how the proposed variance(s) satisfy each of the criteria stated in Subsection D, above.

3. Should a variance be granted, the Zoning Board of Adjustment may impose such additional conditions as necessary and desirable in the public interest.
4. The Board shall conduct at least one (1) public hearing prior to taking action on a variance request.
5. Public notice shall be provided in accordance with the Texas Local Government Code, Section 211.010, *Appeal to Board*. Written notice of all public hearings on proposed variances shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within 200 feet of any property affected thereby, within not less than 10 days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notice of all public hearings shall also appear in the local newspaper of general circulation within not less than 10 days before such hearing is held.

ARTICLE 11.07 NONCONFORMITIES

Sec. 11.07.01 Definitions

- A. **Nonconforming Structure** means a structure that does not conform to the regulations of this Chapter, but that was lawfully constructed under the regulations in force at the time of construction and use of the structure has not ceased, as defined herein, since that time.
- B. **Nonconforming Use** means a use that does not conform to the use regulations of this Ordinance, but that was lawfully established under the regulations in force at the beginning of operation and has not ceased, as defined herein, since that time.

Sec. 11.07.02 General Regulations

- A. **Lawful Status.** Nonconforming Uses and Nonconforming Structures are permitted except as provided in this Article 11.07.
- B. **Unlawful Status.** Nonconforming Uses and Nonconforming Structures do not include those uses or structures which in whole or in part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception.
- C. **Annexation.** Nonconforming Uses and Nonconforming Structures include those uses and structures that were in existence prior to annexation pursuant to Texas Local Government Code Section 43.002, *Continuation of Land Use*.
- D. **Change in District Boundaries.** Nonconforming Uses and Nonconforming Structures include those uses and structures that were in existence and lawful at the time of the change in a zoning district boundary pursuant to this Chapter and have since been in regular continuous use.
- E. **Burden of Demonstration.** The burden of establishing that a Nonconforming Use or Nonconforming Structure is still a lawful nonconformity shall be borne by the owner or the proponent of such nonconformity.
- F. **Determination of Nonconforming Status.** A determination of a nonconforming status shall be made by the Administrator, subject to appeal to the Board of Adjustment.

Sec. 11.07.03 Nonconforming Use Regulations

- A. **Expansion Prohibited.** A Nonconforming Use shall not be expanded or increased in any manner. An expansion of a Nonconforming Use includes (1) additional off-street loading or off-street parking to accommodate the Nonconforming Use; and (2) additional patio cover, porch, and/or canopy to accommodate the Nonconforming Use.

- B. **Loss of Nonconforming Use Status.** The right to operate a Nonconforming Use ceases if: (1) such use is lost pursuant to Section 11.07.05 *Amortization of Nonconforming Uses and Nonconforming Structures*; (2) the use is changed; or (3) the intent of the owner to discontinue the use is apparent, as determined by the Administrator. Factors to consider by the Administrator when determining apparent intent include:
1. Discontinuance of the use for a period of 180 days or more; and
 2. Removal of the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days or more.

Sec. 11.07.04 Nonconforming Structure Regulations

A. **Destruction or Damage.**

1. If a Nonconforming Structure is damaged or destroyed or declared unsafe by the Building Official to an extent that repairs would equal or exceed 60 percent of its total appraised value as determined by the Appraisal District, the structure may not be rebuilt except to conform to the provisions of this Ordinance.
2. If a Nonconforming Structure is damaged or destroyed or declared unsafe by the Building Official to an extent that repairs would equal less than 60 percent of its total appraised value as determined by the Appraisal District, the structure may be rebuilt in conformance with the regulations in place at the time of the original construction of the Nonconforming Structure, provided: construction begins within six (6) months of the destruction and is diligently pursued to completion; and the existing square footage or function of the nonconforming structure is not expanded.

B. **Expansion of Nonconforming Structure.**

1. **Major Expansion.** A Nonconforming Structure expanded by more than 10 percent or 2,000 square feet of its gross floor area, whichever is less, shall fully comply with this Chapter. This requirement shall apply to the original, pre-expanded, portion of the structure as well.
2. **Minor Expansion.** A Nonconforming Structure expanded by 10 percent or less of its gross floor area, or 2,000 square feet, whichever is less, may be constructed in conformance with the regulations in place at the time of the original construction of the Nonconforming Structure. The gross floor area of a Nonconforming Structure may only be increased once.

C. **Repairs.** Routine repairs of Nonconforming Structures are permitted. Routine maintenance includes: repairs required by applicable law, painting, and incidental alterations such as the relocation of walls, partitions, fixtures, wiring or plumbing which do not enlarge or intensify the Nonconforming Structure, or materially extend their life.

D. **Moving.** A Nonconforming Structure shall not be moved in whole or in part to another location in the City unless every portion of the structure is made to conform to this Chapter in the zoning district in which it is to be located.

E. **Loss of Nonconforming Structure Status.** The right to occupy a Nonconforming Structure ceases if: (1) such structure is required to comply with this Chapter pursuant to Section 11.07.05 *Amortization of Nonconforming Uses and Nonconforming Structures*; (2) the structure is changed pursuant to this Section; or (3) the intent of the owner to vacate the structure is apparent, as determined by the Administrator. Factors to consider by the Administrator when determining apparent intent include:

1. Vacation of the structure for a period of 180 days or more;
2. Removal of the characteristic equipment and furnishings of the Nonconforming Structure from the premises and have not been replaced by similar equipment within 180 days or more.

Sec. 11.07.05 Amortization of Nonconforming Uses and Nonconforming Structures

A. Qualifications for Amortization Consideration

1. **Public Necessity.** Any person, who resides or owns real property in the City may request that the City Council establish a compliance (amortization) date for a Nonconforming Use or a Nonconforming Structure. Upon receipt of such request, the City Council shall determine whether this is a public necessity for expedited compliance (amortization) with this Chapter, based upon consideration of the following factors:
 - a. **Nonconforming Use:**
 - i. The character of the surrounding neighborhood;
 - ii. The degree of incompatibility of the use to the zoning district in which it is located;
 - iii. The effect of the nonconforming use on the surrounding area and the effect of its cessation on that area;
 - iv. The manner in which the use is being conducted;
 - v. The hours of operation of the use;
 - vi. The extent to which continued operation of the use may threaten public health or safety.
 - vii. The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor;
 - viii. The extent to which public disturbances may be created or perpetuated by continued operation of the use;
 - ix. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use; and
 - x. Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
 - b. **Nonconforming Structure:**
 - i. The character of the surrounding neighborhood.
 - ii. The degree of incompatibility of the structure to the zoning district in which it is located.
 - iii. The effect of the nonconforming structure on the surrounding area and the effect of its cessation on that area.
 - iv. The extent to which continued operation of the structure may threaten public health or safety; and
 - v. Any other factors relevant to the issue of whether continued operation of the structure will adversely affect nearby properties.
2. **Lack of Public Necessity.** If the City Council finds there is not a public necessity for expedited compliance with this Chapter, the City Council shall request that the Planning & Zoning Commission initiate a public hearing in accordance with this Chapter to determine the proper zoning of the property on which the use is located.

B. Amortization Period

1. If the City Council finds that there is a public necessity for expedited compliance with the zoning regulations, the City Council shall, in accordance with the law, provide a compliance date for the Nonconforming Use or Nonconforming Structure under a plan whereby the owner's actual investment in the Nonconforming Use or Nonconforming Structure, fixed equipment and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time that the use became nonconforming can be amortized within a definite time period.

2. The following factors must be considered by the City Council in determining a reasonable amortization period:
 - a. The owner's capital investment in structures, fixed equipment and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use and/or structure became nonconforming;
 - b. Any costs that are directly attributable to the owner and the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 - c. Any return on capital investment since inception of the use and/or use of the structure, including net income and depreciation; and
 - d. The anticipated actual recovery of capital investment, including net income and depreciation.
3. If the City Council finds that the owner did not have an investment in the Nonconforming Use or Nonconforming Structure before it became a Nonconforming Use or Nonconforming Structure, the owner is not entitled to an amortization period to recover any of the costs set forth in this Subsection B. The City Council in its sole discretion, however, may give the owner a reasonable time to wind-down its operation.
4. For purposes of setting a compliance date/amortization period, the term "owner" shall mean the owner of the Nonconforming Use or Nonconforming Structure at the time the City Council determination of a compliance date/amortization period is made.

C. Compliance Requirement.

If the City Council establishes a compliance date for a Nonconforming Use or Nonconforming Structure, the use must cease operations or the structure must be removed on or before that date.

ARTICLE 11.08 ENFORCEMENT AND REMEDIES

Division 11.08.01 Enforcement Procedures

Sec. 11.08.01.01 Purpose

This Article establishes the procedures that the City may use to assure compliance with the provisions of this Ordinance and to correct violations. The Article also provides the penalties and remedies that the City may seek to correct violations. The provisions of this Article are intended to encourage the voluntary correction of violations.

Sec. 11.08.01.02 Right of Entry

The Administrator and Building Official shall be permitted to enter any real property at reasonable times for the purpose of inspection in accordance with the provisions of this Ordinance, or any applicable federal, state or local laws, by consent of the owner or occupant or pursuant to a lawfully issued administrative warrant.

Sec. 11.08.01.03 Penalties and Remedies

- A. **Criminal Enforcement.** A property owner or occupant who fails to comply with any of the provisions of this Ordinance shall be deemed a Class C misdemeanor and upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000) in accordance with the general penalty provision in the Cedar Park Code of Ordinances, Sec. 1.01.009, *General Penalty for Violations of Code*.
- B. **Other Remedies.** In addition, and without prejudice to the penalties and remedies stated herein, the City may also enforce these provisions and pursue any and all available legal remedies, including but not limited to injunctive relief and recovery of civil penalties under Chapter 54 of the Texas Local Government Code, *Enforcement of Municipal Ordinances*.

ARTICLE 11.09 DEFINITIONS

A

Accessory Building. An enclosed accessory structure with a roof, used or intended for supporting or sheltering a use or, when permitted as an accessory dwelling unit, for occupancy.

Accessory Dwelling Unit. An accessory building permitted as a habitable space to serve those individuals residing in the principal structure. An accessory dwelling unit can be attached or detached inasmuch as it fully complies with the regulations that pertain to its design and use.

Accessory Structure: A subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure.

Accessory Use. A subordinate use that is located on the same lot as the principal use and is incidental to and associated with the principal use.

Administrator: The Director of Development Services, or his or her designee, designated by the City Manager to administer the regulations and provisions of this Ordinance.

Adult Day Care: A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

Agricultural Support Services: Any use of land or water designed to facilitate and provide support for agricultural uses.

Airport: Any area of land designed and set aside for the landing and take-off of an airplane and utilized in the interest of the public for such purposes.

Alcoholic Beverage Establishment: A business whose revenue (51 percent or above of gross sales) comes from the sale of beer, wine, or other alcoholic beverages for on-premises consumption and which requires a license under Texas state regulations.

Alcoholic Beverage Sales, Off-Site Consumption: The use of a site for the retail sale of alcoholic beverages for which the use receives more than 50 percent of its gross revenue on a quarterly basis from the sale of alcoholic beverages for off-premises consumption.

Alley. An Alley is a passageway that provides access to the rear or side of property. Alleys are intended for use at very low vehicular speeds and provide alternative locations for garbage collection and dry utilities.

Ambulatory Surgical Center: See Texas Administrative Code, Title 25, Part 1, Chapter 135, Subchapter A, Rule 135.2 Definitions. See also Medical Clinic.

Amenity Center: A recreational facility, including, but not limited to, clubhouse, swimming pool, and play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

Animal Grooming: An establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

Animal Veterinary Services, Large Animal. A use in which large animals such as horses, goats, and livestock are admitted for examination and medical treatment. This use does not include medical care for small animals such as dogs, cats, and birds.

Animal Veterinary Services, Small Animal: A use in which household pets, such as dogs, cats, and birds are admitted for examination and medical treatment. The use does not include medical care for large animals or livestock.

Apartment. A building, or portion thereof, which is designed to contain three (3) or more independent dwelling units, for individuals and/or families living independently of each other.

Apiary: A place in which a colony or colonies of bees are kept; for example, in a stand or shed for beehives, or a bee house containing a number of beehives.

Appurtenances: Spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Arcade. An area contiguous to a street or plaza that is open and unobstructed and accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

Archery Range: A specially designed outdoor space for the safe discharge of archery. This use does not include the discharge of rifles, shotguns, pistols and other firearms.

Architectural Shingles: Laminated or dimensional shingles composed of a heavy fiber glass mat base and ceramic-coated mineral granules that are tightly embedded in carefully refined, water-resistant asphalt.

Art Studio, Gallery: The use of a site for the display, production and/or sale of art work.

Assisted Living, Congregate, or Respite Care: An institution which provides food and shelter to four (4) or more elderly persons or adults who are unrelated to the proprietor of the establishment, as well as personal care services or administration of medication. These may also provide assistance with or supervision of the administration of medication or skilled nursing services. These facilities must be licensed by the Texas Department of Aging and Disability Services and further defined in Texas Health and Safety Code, Chapter 247, *Assisted Living Facilities*.

Automobile, Major Repairs and Service: A building or place arranged, designed, used or intended to be used for the purpose of providing general repair and servicing of all types of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services, including body, frame or fender straightening or repair; painting, undercoating and rust proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery; and other similar services.

Automobile, Minor Service: Any repair that does not require the removal of the engine head or pan, engine transmission, or differential, incidental body work, rebuilding or reconditioning of engines, framework, welding, and major painting service. Examples of minor services include, but are not limited to, the changing of fluids, tires, batteries, shock absorbers, mufflers, brakes, lights, wipers and tinting.

Automobile, Rental: Includes the rental of new or used vehicles licensed under the Texas Motor Vehicle Registration Act.

Automobile, Sales: Includes the sale of new or used vehicles licensed under the Texas Motor Vehicle Registration Act. New or used automotive sales requires the registration of the business with the Texas Department of Motor Vehicles.

Awning: a roof like structure of canvas or sheet metal extending over a doorway, from the top of a window, over a deck, etc., in order to provide protection. Vinyl or plastic awnings are prohibited.

B

Bank, Credit Union, and Financial Institution: The use of a site for the provision of financial and banking services.

Bed and Breakfast Facility: An owner occupied residence, classified as a nonresidential use for the purpose of site development, with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast shall not include restaurants, banquet facilities, or similar services.

Birthing Center. See Texas Administrative Code, Title 25, Part 1, Chapter 137, Subchapter A, Rule 137.2, *Definitions*. See also Hospital Services.

Block: A parcel of land within a subdivision that is bounded by streets, open spaces, boundaries of water and/or the exterior boundary of the subdivision.

Boulevard: A street with a separated travel lanes including a landscaped area between each street section. Boulevards are differentiated from parkways in that they typically have a narrower separated section.

Broadcasting Center: An establishment containing one (1) or more broadcast studio for over-the-air cable, or satellite delivery of radio or television programs.

Build-to Line. The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform building façade line on the street.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area. The total area enclosed by a line formed by the outside surface of all walls at the foundation line.

Building Lot. A tract of land which, at the time of filing for a building permit, is intended by its owner or developer to be used, developed or built upon as a unit, under single ownership or control. It shall front upon a dedicated street.

Building Official: The Building Official for the City or his or her designee.

Building Setback Line or Setback: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.

Bus or Taxi Depot/Transit Station: Any central location or premises for the transient housing or parking of motor driven buses or automobiles for the purposes of loading, unloading, and transporting passengers.

C

Canopy. A porch or walkway with a roof supported by columns, often leading to the entrance of the building.

Caretaker or Guard Residence: An on-site dwelling within a permitted principal use where the person, or family, resides as a live-in property manager, security guard, or caretaker for the principal use.

Carport: A roofed structure that is constructed specifically for the storage of one (1) or more vehicles which is not enclosed or walled on any side.

Car Wash: A facility where a customer can have a motorcycle, automobile, or light load vehicle washed in exchange for financial consideration.

Cemetery / Columbarium: Land used or dedicated for the burial of the dead.

Chicane: A staggered roadway around tree groupings, at the end of a parking lane, or other feature, intended to slow traffic speed.

Child Day Care, Incidental. A place designed solely for the care of children belonging to employees of the primary use.

City: The City of Cedar Park, Texas, a home rule charter city.

City Council: The City Council of the City of Cedar Park, Texas.

Civic Club: An organized group having a restricted membership and specific purpose related to the welfare of the members.

Code of Ordinances. The codes and ordinances, which may be amended from time to time, of the City of Cedar Park.

Collector Street. A collector street provides mobility between areas of a district and is designed to insure a calm, safe street that enhances the livability and preserves the character of neighborhoods. Collector streets have a more residential character than main streets.

College, University, or Vocational School: A community college, college, university, vocational, technical or trade schools, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

Commercial Parking Lot: A parking lot used for the temporary parking of automobiles for a fee.

Commissary: A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This use can include retail sales as an accessory use. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

Commission: The Planning and Zoning Commission of the City of Cedar Park.

Community Garden: Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

Community Home: An entity protected by the Texas Community Homes for Disabled Persons Act (Texas Human Resources Code, Chapter 123, *Community Homes for Persons with Disabilities*); including:

- A community-based residential home operated by:
 - The Texas Department of Mental Health and Mental Retardation;
 - A community center organized under Texas Human Resources Code, Chapter 534, Subchapter A, *Community Services*, that provides services to persons with disabilities;
 - An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or
 - An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- An assisted living facility licensed under Texas Health and Safety Code, Chapter 247, *Assisted Living Facilities*, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Concrete. A hard, strong building material made by mixing a cementing material ([such] as portland cement) and a mineral aggregate (such as sand and gravel) with sufficient water to cause the cement to set and bind the entire mass.

Concrete Masonry Unit (CMU). A hollow concrete masonry unit made from portland cement and suitable aggregates such as sand, gravely crushed stone, bituminous or anthracite cinders, burned clay or shale, pumice, volcanic scoria, air-cooled or expanded blast furnace slags, with or without the inclusion of other materials.

Concrete, Mortar, and Asphalt Batching: A use where cement, mortar, or asphalt is manufactured.

Condominium. A form of real property ownership with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one (1) or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

Construction Sales and Services: Commercial use that sells, displays, or stockpiles large scale intensive outdoor operations and contracting equipment, machinery, and other materials.

Contractor's Shop / Storage Yard: A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Controlled Substance. Marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates federal, state, or local law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia.

Convenience Store: A retail establishment that sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads.

Craft Brewing / Distillery / Winery Production with On-Premise Consumption: A business where specialty beer or wine is produced in limited quantities with on-site consumption and / or tasting, as regulated by the State of Texas Alcoholic Beverage Commission.

Credit Access Business: A credit access business has the meaning given the term in V.T.C.A., Finance Code Section 393.601(2).

Crematory: A location containing a properly installed and licensed, certified apparatus intended for the use of cremation.

Cul-de-Sac: A street having but one (1) outlet to another street, and terminating on the opposite end by a vehicular turnaround.

D

Data Center: A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

Day Care Center: A child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven (7) or more children under 14 years of age for less than 24 hours a day, but at least two (2) hours a day, three (3) or more days a week.

Dead-end Street: A street other than a cul-de-sac, with only one (1) outlet.

Direct Marketing. The wholesale, retail sale and/or transfer or delivery of merchandise directly to a customer or customer's agent for a business operation away from Seller's residence.

Direct Selling. The wholesale, retail sale, and/or transfer or delivery of merchandise directly to a customer or customer's agent for a business operation from Seller's residence.

Discontinued: A use that is interrupted or in which there is a break in continuity regardless of the intent of the owner or operator.

Displacement: The maximum amount of motion in any direction as determined by a three (3) component simultaneous measuring system.

District. A zoning district which is a part of the City of Cedar Park, Texas.

Domestic Animals. Recognized domestic breeds of dogs and/or cats, birds, fish, gerbils, hamsters, nonpoisonous reptiles, and pot-bellied pigs. This definition excludes dangerous wild animals.

Driving Range. An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

Drug Store: A store where the primary business is the filling and sale of prescription drugs, medical devices and supplies, and non-prescription medicines.

Dwelling, Duplex: There are two (2) types of duplexes:

- Standard (side-by-side) duplexes are those separated by a shared wall with no penetrations from the ground to the roof, and each unit has a separate outside door.
- Vertical (over-under) duplexes are those separated by a floor, in which case the individual units may be accessed from an interior foyer with a staircase or the units may have separate front doors at the street level.

Dwelling, Single Family: A dwelling unit for one (1) family that is located on a separate, privately owned lot or tract with private yards on each side of the dwelling. Single family dwellings may also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single family homes within the condominium development, which serve the same purpose as a private yard.

E

Earthen Color: Shades of brown, yellow and green suggestive of natural earth tones.

Electric Transmission Lines: For purposes of this Chapter, those electrical lines operated at normal voltages of 60,000 volts or more. Other lines, including lateral utility/service lines (meaning those lines that emanate from feeder lines and are used for distribution to smaller areas of consumers) are to be placed underground in the interior of all residential subdivisions.

Enclosed Building: A building providing a fully enclosed space on all sides by walls and with a full roof.

End Stage Renal Disease Facility (Dialysis): See Texas Administrative Code, Title 25, Part 1, Chapter 117, Subchapter A, Rule 117.2 *Definitions*. See also Medical Clinics.

Established Neighborhood: A residential neighborhood that existed as of the effective date of this ordinance.

Extraction (Gas, gravel, minerals, oil, or sand): The use of a site for in-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.

F

Facade: The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Family: One (1) or more persons related by blood, marriage, or adoption, or a group not to exceed eight (8) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Family Home: A home that provides regular care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school-age children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Farm/Ranch: Land devoted to the following uses:

- The planting, growing, and harvesting of crops; and/or
- The care and raising of livestock animals or poultry.

Fenestration: The design and placement of windows.

Flea Market: A site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities.

Floor to area ratio (FAR): The ratio of a building's gross floor area to the area of the lot on which the building is located.

Food Processing: The transformation of raw ingredients, by physical or chemical: into food, or of food into other forms. The term includes the combination of raw food ingredients into a form that can be prepared and used by a consumer. Food processing typically involves activities such as mincing and macerating, liquefaction, emulsification, and cooking (such as boiling, broiling, frying, or grilling); pickling, pasteurization, and many other kinds of preservation; and canning or other packaging. Food processing does not include the harvesting, storage, or transportation of cultivated agricultural products.

Fortune Teller / Psychic: The foretelling of the future in exchange for financial or other valuable consideration.

Freestanding Emergency Medical Care Facility: See Texas Administrative Code, Title 25, Part 1, Chapter 131, Subchapter A, Rule 131.2 *Definitions*. See also Medical Clinics.

Front Porch: An unairconditioned roofed structure attached to the front of a house, which may include ramps for handicapped access.

Front Yard: A yard extending across the full width of a site that lies between the front lot line and the front line of a building or if there is no principal building, between the front lot line and the required front setback line. A through lot shall have a front yard on each of the opposing streets.

Funeral Home or Mortuary: A building used primarily for human funeral services. Such building may contain space and facilities for embalming, preparation of the dead for burial, casket storage, and undertaking services.

G

Gasoline Service Station: Any building, land area, or other premise that sells gas and/or diesel fuels primarily to passenger vehicles, with or without the following accessory uses: sales of lubricants, tires, accessories or supplies, minor repairing of automobiles.

Gateway: A narrowed threshold at a road intersection, with an optional median, intended to slow traffic speed.

General Hospital: See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 *Definitions*. See also Hospital Services.

Glare: The direct light emitting from a luminaire that causes reduced vision or momentary blindness.

Government Facilities (Outdoor Operations): A location owned, operated, or occupied by a governmental agency that functions as a service yard that may have outdoor operations, outdoor storage of materials and equipment, to provide governmental services to the public.

Government Office: Government owned and operated institutions or facilities including but not limited to a library, museum, park, playground, recreational center, jail or correctional facility, police, fire or utility facilities.

Green: A relatively short linear park providing pedestrian connections and pedestrian access, which is not designed for vehicular use.

Green Roof: The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Grocery: Any building where most of the gross floor area is devoted to the sale of food products for home preparation and consumption, but may also offer prepared food for on- or off-site consumption, retail personal and household items, and a pharmacy. As an accessory use, the grocery may also have gasoline pumps.

Gross Building Area: The total floor area of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area does not include roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 50 percent or more of their perimeter.

Gross Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e. parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven (7) feet, exterior balconies, uncovered steps, or inner courts.

Gym: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

H

Head Shop: Any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of a Controlled Substance, notwithstanding that it might also be possible to use the device for some other purpose.

Heavy Industry:

- A. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
1. A material risk of environmental contamination, explosion, or fire;
 2. Perceptible ground vibration;
 3. Excessive noise or dust;
 4. Emission of objectionable odors; or
- B. For illustrative purposes, heavy industrial uses include, but are not limited to:
1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units; and bulk fuel dealers;
 2. Facilities used in the primary or secondary production of metals, such as primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops;
 3. Sawmills and pulp mills;
 4. Incinerators with the capacity to charge more than 250 tons of refuse per day;
 5. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
 6. Fossil fuel combustion, such as boilers or electricity generation, totaling more than 250 million BTUs per hour of heat input;
 7. Dry cleaner processing plants that use PERC or comparable petrochemical solvents;
 8. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures, such as for structural steel, automotive body, or heavy equipment manufacture or repair; and
 9. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity.
- C. Semi-Conductor related uses shall be considered to be a heavy industrial use when the use relates to weapons, nuclear energy, pharmaceutical and biotechnology applications.

Heliport (Accessory): An area of land or water or a structural surface which is used for the landing and takeoff of helicopters, and any appurtenant areas which are used for fueling, maintenance, repairs, storage, buildings, and other heliport facilities.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

Horizontal Mixed Use Development: a grouping of single-use buildings, both residential and nonresidential, within one (1) cohesive development.

Hospital Services: An institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. The use differs from medical clinics in that it may require stays for longer than 24 hours. Includes the following land uses: cancer center; birthing center; general hospital; private psychiatric hospital; niche hospital; special hospital; and trauma facilities.

Hotel: A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

I

Indoor Arena or Theater: A building with tiers of seats for spectators used for sporting, performances, lectures, or other recreational or cultural events. Accessory uses or activities subordinate in area, extent, and purpose to the principal use, which are customarily established in conjunction with the operation are permitted, including accessory sales of alcoholic beverages, accessory food services and accessory sales.

Indoor Commercial Amusement: Uses that provide commercial amusement indoors, except sexually oriented uses, including, but not limited to:

- Movie theaters;
- Bowling alleys and billiard rooms;
- Video arcades;
- Indoor swimming pools;
- Tennis, racquetball, or handball courts;
- Indoor paintball course;
- Local area network computer gaming centers; and
- Internet cafes.

Industrialized Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes are subject to the same codes and regulations as conventional site-built homes.

K

Kennel: The overnight boarding of either small or large animal by a facility licensed by the State of Texas.

L

Landfill (Disposal): An area of land or an excavation in which wastes are placed for permanent disposal. For the purposes of this Code, the word "Landfill" does not include clean debris, e.g., dirt, trees, rocks, etc.

Laundromat: A facility where patrons wash and/or dry clothing and other fabrics in machines operated by the patron. (Self-serve washers/dryers)

Local Street. A local street provides access within a neighborhood. Local streets form the framework and compose the majority of streets within a district and shape the identity and character of a neighborhood.

Lot: A parcel of land which is designated as a separate tract, and which is identified by a tract or lot number or symbol on a subdivision plat approved in the manner required by Chapter 212, of the Local Government Code which has been properly filed of record, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.

Lot, Corner: A lot situated at the intersection of two (2) streets.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: That boundary of a building lot which is also the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line provided a front and rear yard are established adjacent and opposite, respectively to the front lot line.

Lot Line, Rear: The boundary of a lot which is the most distant from and is, or is most nearly parallel to the front lot line.

Lot Line, Side: The boundary of a lot which is neither a front lot line nor a rear lot line.

Lot Width: The width of a lot at the building line.

Lot of Record: An area of land designated as a lot on a subdivision plat duly recorded with the county clerk; or an area of land held in ownership described by metes and bounds upon a deed recorded or registered with the county clerk.

Lumberyard, Wholesale: An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

M

Main Street: A main street provides mobility between areas of a district and is designed to insure a calm, safe street that enhances the livability and preserves the character of neighborhoods. Main streets have a more urban character than collector streets.

Manufactured Home: A structure:

- Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- Built on a permanent chassis;
- Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- Transportable in one (1) or more sections; and
- In the traveling mode, at least eight (8) body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, including the plumbing, heating, air-conditioning, and electrical systems of the home, and not including a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g), pursuant to Texas Occupation Code, section 1201.003(12 & 18).

Manufactured Home Sales: The sale of trailers or manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufacturing and Fabrication, General. The industrial processing and manufacturing of materials or products predominately from extracted or raw materials unless materials are classified as hazardous by the Fire Marshall.

Manufacturing and Fabrication, Light: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Marble: A rock that will polish and that is composed mainly of calcite or dolomite or, rarely, serpentine.

Massage, Unlicensed: massage therapy performed by an unlicensed practitioner.

Mechanical Equipment: For purposes of this Chapter, mechanical equipment includes all equipment, including but not limited to utility huts, condensers, air ducts, meters, roof equipment, etc. that are located on the site and/or are attached to the exterior of the building.

Medical Clinic: The use of the site for the provision of medical, psychiatric, or surgical services on an out-patient basis. These facilities can be differentiated from a medical office in that such facilities would be primarily open to and operated for the general, walk-in public, and would not normally require an appointment. This use includes ambulatory surgical centers (ASC); end-stage renal disease facility (dialysis); outpatient services; and free standing emergency medical care facility.

Medical Office: The use of the site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention.

Mirrored Glass: 80 percent or higher reflectivity of glazed, treated or manufactured glass.

Mixed Use Building: A building that contains at least one (1) floor devoted to allowed nonresidential uses and at least one (1) devoted to allowed residential uses.

Mobile Food Establishment Court: The primary use of a site by one (1) or more semi-stationary mobile food establishments.

Mobile Home. A structure:

- Constructed before June 15, 1976;
- Built on a permanent chassis;
- Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- Transportable in one (1) or more sections; and
- In the traveling mode, at least eight (8) body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, including the plumbing, heating, air-conditioning, and electrical systems of the home, as defined by Texas Occupation Code, Section 1201.003(20).

Model Home / On-site Real Estate Office. A dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Museum: A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

N

Natural Areas: Waterways, wetlands, and native landscape areas, which are intended to be preserved in their natural state.

Neckdown: A staggered roadway at an intersection or other point intended to slow traffic speed.

Net Acre: The area within the platted limits of a lot that is available for development. For the purpose of calculating residential density, Net Acreage shall not include the following: right-of-way, parkland and open space, detention and land used for nonresidential purposes.

Niche Hospital: See Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 Definitions. See also Hospital Services.

Nonconforming Building: Building that was lawfully constructed prior to the effective date of this Ordinance, or amendment hereto, that does not conform to the standards found within Article 11.03, *Development and Design Standards*, that is applicable to the same type of building in the district in which the building is located.

Nonconforming Lots: Lots that were lawfully created before the effective date of this Ordinance, or amendments hereto, but which no longer comply with the minimum lot width, frontage, depth, or area requirements of this Ordinance, as stated in Article 11.03, *Development and Design Standards*.

Nonconforming Structure: A structure other than a building that was lawfully constructed prior to the effective date of this Ordinance, or amendment hereto, that does not conform to the standards that are applicable to the same type of structure in the district in which the structure is located.

Nonconforming Use: A use that does not conform to the use regulations of this Ordinance, but that was lawfully established under the regulations in force at the beginning of operation and has not ceased, as defined herein, since that time.

Non-Emergency Transport Service: A medical transfer service for the transportation of individuals to or from a medical facility, nursing home, or residence under circumstances which do not constitute an emergency, in which the use of lights and sirens is prohibited, except when in the course of transport, said transport becomes an emergency, per Chapter 546 of the Texas Transportation Code.

Nursery/ Greenhouse, Retail: An enterprise that conducts the sale of plants grown on and / or off the premises. The term also includes, as an accessory use, the sale of a limited selection of items, such as soil, planters, pruners, mulch, lawn or patio furniture, and garden accessories that are directly related to the care and maintenance of landscapes and gardens.

Nursery / Greenhouse, Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees and shrubs to landscapers, developers, builders, and retail nurseries.

Nursing or Convalescent Home: An institution which provides food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; as well as minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry. These are licensed by the Texas Board of Human Services and further defined in Chapter 242 of the Texas Health and Safety Code.

O

Office, General: A site used for the provision of executive, management, administrative, professional, or consulting services.

- Typical executive, management, or administrative services include real estate, insurance, property management, investment, personnel, travel, secretarial services, organizations, and associations.
- Typical professional or consulting services include the field of law, architecture, design, engineering.

Office/Showroom/Warehouse: An establishment with a maximum of 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sale areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. This use does not include processing, manufacturing or fabrication conducted on site, but may include the light assembly of merchandise.

Off-Street Parking: Vehicular parking outside the street right-of-way that have adequate drives, aisles, and turning and maneuvering areas for access and usability.

On-Street Parking: Vehicular parking contained on the street pavement (public and private streets) located outside the primary travel way, which spaces shall be designated and located parallel or at an angle to the street centerline.

One Car Garage: An attached or detached, fully enclosed structure that is built to house one (1) full size automobile.

Outdoor Arena, Stadium or Amphitheater: An open air facility or building with tiers of seats for spectators used for sporting, performances, lectures, or other recreational or cultural events. Accessory uses or activities subordinate in area, extent, and purpose to the principal use, which are customarily established in conjunction with the operation are permitted, including accessory sales of alcoholic beverages, accessory food services and accessory sales.

Outdoor Commercial Amusement: Uses that provide commercial amusement outdoors, except for Sexually Oriented Businesses, as defined herein, including, but not limited to:

- Amusement parks or theme parks;
- Fairgrounds;
- Miniature golf establishments;
- Golf driving ranges;
- Sports fields;
- Drive-in Theaters;
- Water slides; and
- Batting cages.

Outdoor Patio: An open outdoor eating and gathering area which may be covered, but must remain open on at least three (3) sides.

Outdoor Recreation (Athletic Field/Facility): Public or private parks, golf courses, swimming pools, ball fields, tennis courts, and other such uses providing recreational opportunities for a neighborhood or the community at-large. This use is not intended for commercial purposes.

Outdoor Recreation (Park, Playground): Outdoor park facilities designed for passive recreational activities such as walking trails and child playground equipment.

Outdoor Storage: The storage of inventory or the storage of materials that are or are not for sale or lease. This definition shall not mean sample merchandise or goods on display; however, at no time shall any salvage or construction material be considered as merchandise or goods on display. Merchandise located within a pole barn is excluded from this definition.

Outdoor Storage/Sales or Display (Primary Use): An operation that stores, displays, and sells products in the outdoors. This use includes trucks, trailers, portable buildings, and fleet storage.

Outpatient Services: See Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 *Definitions*. See also Medical Clinics.

Owner: A person, corporation, partnership, or legal entity, which is the legal or equitable owner of land.

P

Paintball Course: A specially designed outdoor space in which players eliminate opponents from play by hitting them with dye-filled breakable, oil and gelatin balls or pellets, usually shot from a carbon dioxide or compressed air (Nitrogen) powered “paintball” marker.

Parapet: The portion of a wall that extends above the roofline.

Park: An open space, available for recreation with landscaping consisting of paths and trails, open lawn, trees, open shelters, recreational facilities, Public or Private Open Space improvements, including swimming pools, sports fields, courts and amenity centers.

Parking Garage (Primary Use): A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes free-standing parking structures, deck parking, and parking pedestals under buildings.

Parkland, Active: An open space, available for recreation with landscaping consisting of paths and trails, open lawn, trees, open shelters, recreational facilities, and public or private open space improvements including but not limited to swimming pools, sports fields, courts, and amenity centers.

Parkland, Passive. An open space that does not significantly alter the natural environment and that functions either as a nature preserve or to facilitate passive recreational opportunities.

Parkway: A street with a separated travel lanes including a landscaped area between each street section. Parkways are differentiated from Boulevards in that they typically have a wider separated section.

Pawnshop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker); and the retail sales of items purchased also takes place.

Person: Means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, or their successors or assigns or the agent of any of the aforesaid.

Personal Services: The use of a site for the provision of periodically needed services of a personal nature. This use includes beauty and/or barber shops, hairdressers, manicurists, seamstress or tailor services, shoe repair shops, dry cleaning and/or laundering drop-off/pick-up station services, handicraft or hobby instruction, weight loss centers, photography studios, driving schools, spas, full service beauty salons with permanent makeup, licensed massage therapy and ear piercing.

Place of Public Assembly: An indoor place where people gather for civic or cultural purposes. The phrase "place of assembly" includes place of worship, meeting hall, lecture hall, or fraternal organization. The phrase "place of assembly" does not include the phrase "indoor recreation" or "indoor commercial amusement."

Planting Strip: A linear portion of land of public street right-of-way lying between the street pavement curb and the sidewalk, which is reserved for the purpose of landscaping and installation of street trees.

Playground: A children's play area, including related amenities, that is designed for group use.

Pole Barn: An open air structure having at least four (4) posts/poles to support a roof canopy for purposes of providing covered storage/livestock shelter.

Portable Storage Unit: A container that may be used to transport goods, but may then also be stationary on a single site for a period of time before or after transport.

Portico: A small entrance porch.

Power or Solid Waste Recovery Plant: Any facility that is engaged in the recovery of energy or power from solid waste, biomass, or other technologies.

Primary Entrance: The front door to an establishment intended as the primary customer access point. The area of an entrance shall include the area on either side of the door for a distance of at least 10 feet.

Primary Materials. See Sec. 11.03.06.02(B)(1), *Permitted Exterior Building Materials*.

Principal Building: A building in which is conducted the principle use(s) of the lot on which it is located or, in a group development, of the building site on which it is located.

Principal Dwelling Structure: The primary use of a residential lot on which the dwelling is located.

Print Shop: An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.

Private Interior Drive: A minor private access way, either two-way or one-way, located within development areas and providing vehicular and other access to public streets.

Private Open Space: Open space that is owned and maintained by a Property Owners Association or by an individual property owner.

Private Psychiatric Hospital: See Texas Administrative Code, Title 25, Part 1, Chapter 134, Subchapter A, Rule 134.2 *Definitions*. See also Hospital Services.

Private School (Grades K-12): A privately-owned accredited institution that provides full-time instruction for students from kindergarten to 12th grade.

Public Art: Any work of art or design created by an artist and sited in a public place.

Public Open Space: Open Space that is owned and maintained by the City or by a Property Owners Association, including land that is dedicated for Parkland.

Public School (Grades K-12): An public institution that provides full-time instruction for students from kindergarten to 12th grade.

R

Reception/Banquet Hall: a room or building for the purpose of hosting a party, banquet, wedding or other reception, or other social event.

Recreational Vehicle Park. A park that includes temporary overnight parking for licensed motor vehicle that can be towed, hauled, or driven. Permitted vehicles include travel trailers, self-propelled motor homes, and camping trailers.

Recreational Vehicle Sales and Service: Any building or structure used for the sale of a vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home.

Recycling Processing and Collection: The use of a site for collection, transfer, or processing of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, nonperishable materials. This use excludes bulk or single-feed reverse vending machines.

Redevelopment: modification of an existing developed lot/parcel that will require a building permit.

Research, Testing Lab, or Product Development: A business that engages in research, or research and development, of innovative ideas in technology intensive fields, and may include light assembly of merchandise. Examples include computer software, information technology, communications systems transportation, and multi-media.

Restaurant, Dine-In Only: The use of a site for the preparation and retail sale of food and beverages for on-premises consumption, including the on-premises sale and consumption of alcoholic beverages as an accessory use (must be less than 51 percent of gross sales). The use does not include drive-in or drive through facilities.

Restaurant, Drive-In or Drive Through: A restaurant which:

- Contains a drive-in or drive through facility;
- Primarily serves food that is prepared and packaged within five (5) minutes; and
- Customarily serves food in disposable containers.

Retail Sales: The sale of merchandise in small quantities directly to the ultimate consumer.

Right-of-Way: Land dedicated or reserved for streets, utilities, or other public facilities.

Roundabout: A one-way circular traffic rotary intersection, which reduces the need for traffic lights, allowing up to four (4) streets to converge at a single point and at acute angles, and which are intended to move traffic through an intersection in a smooth and orderly fashion while lessening traffic delays.

S

Salvage Facility and Yard: A yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing salvage or junk, upon which occurs one (1) or more acts of buying, storage, dismantling, processing, recycling, selling, or offering for sale any such salvage, in whole units or by parts, for a business or a commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

Secondary Materials. Materials that are not counted as primary materials and are used in a secondary capacity for building treatment, as referenced in Sec. 11.03.06.02(B)(2), *Secondary Materials*.

Secondary Use: A support use to the principle, permitted use that remains incidental to the principle use, both in building square footage and, when applicable, in gross sales. A space that utilizes 90 percent of its space for the primary, permitted use purposes, can use the balance for the secondary use.

Self-Storage Facility: A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis which may have interior and/or exterior access. This use also includes outdoor RV and boat storage.

Service Area: Any area for loading docks, outdoor storage (other than an outdoor display, sales, and storage area), trash collection or compaction, truck parking, or other similar functions.

Setback, Front: A setback extending the full width of a lot between the street lot line and the front building line.

Setback, Rear: A setback extending the full width of the lot in the area between the rear lot line and the rear building line.

Setback, Side: A setback extending the full length of the lot in the area between a side lot line and a side building line.

Setback, Street: A setback extending the full width of a lot between the street lot line and a side building line.

Sexually Oriented Business: See Cedar Park Code of Ordinances, Chapter 4, Article 4.07.

Side Yard Lot: A lot created for the purpose of a dwelling to be constructed along or near an interior side lot line with a yard created on the opposite side of the lot.

Site Area: The cumulative total area of contiguous land containing the same zoning designation.

Solar Panel: A small solar collector designed to be incorporated onto the roof of a residential or nonresidential building. Solar panels for purpose of this chapter are considered as an optional, associated use to any building.

Special Hospital: See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 *Definitions*. See also Hospital Services.

Sport Shooting Range: A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

Start of Construction: the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

Stone: Rock selected or processed by shaping, cutting, or sizing for building or other use.

Stone Cutting: A land use whereby stone is cut or carved.

Street: Any public thoroughfare or space more than 20 feet in width which has been dedicated or otherwise established for use as a public roadway.

Streetscape: The built and planned elements of a street, which define its character.

Street Width: The portion of the street between the face of curbs.

Structure: Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. The following shall always be considered structures:

- Buildings;
- Billboards;
- Fences;
- Signs;
- Storage Tanks; and
- Walls.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches designed, used, and maintained for swimming and bathing.

T

Tattoo Parlor / Body Piercing Studio: The workshop of a tattoo artist and/or a facility where the piercing of body parts, other than ears, is performed for the purposes of allowing the insertion of jewelry.

Temporary Construction Building. A building for the purpose of temporary office space during construction of new permanent office structures.

Temporary Construction Dumpster: A dumpster set up temporarily to use for garbage during a construction project.

Temporary Construction Yard. A storage yard for construction supplies, materials, or equipment for temporary use during a construction project.

Throttle: A road narrowed at a tree grouping, at the end of a parking lane, or other feature intended to slow traffic speed.

Town Center Code: The regulations and development standards set forth herein, which are applicable to the Cedar Park Town Center.

Townhome: A single family attached dwelling with three (3) to no more than six (6) units, with each single unit extending from the ground to the roof and with each unit having individual outside access.

Traffic Calming Measures: Street design elements intended to slow the speed of vehicular traffic. Traffic Calming Measures may include, but are not limited to, the following terms: chicane, gateway, neckdown, roundabout, and throttle.

Transit Stop: An area designated for public transportation pick-up and drop-off.

Transportation Terminal: The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, when located in conjunction with the offices, dispatching facilities, garage, maintenance and services facilities that are directly associated with the principal use, which includes public transit facilities, shipping and freight services, and private or public taxicab or shuttle services and facilities.

Trauma Facility: See the Texas Administrative Code, Title 25, Part 1, Chapter 157, Subchapter A, Rule 157.2 *Definitions*. See also Hospital Services.

Two-Car Garage: An attached or detached, fully enclosed structure that is built to house two (2) full size automobiles.

U

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for maintenance of said utilities.

Utility Services, General. The use of a site for the provision of public and/or private utility services that are necessary to support the development in the area and involve only minor structures and small buildings including, but not limited to lift stations, telephone switching centers, service extensions or similar facilities.

Utility Services, Major. The use of a site for the provision of generating plants, electrical switching facilities or primary substations, or similar facilities.

V

Vacated Structure: A structure and/or site vacated for at least 90 days without an active renovation/rehabilitation building permit for either the site or structures.

Vending Kiosk: Any unattended self-service devices that, upon the insertion of coins, tokens, or consumer credit cards will dispense merchandise, banking services or other things of value. A vending kiosk may be portable or permanently installed.

Veneer: Nonstructural facing of brick, concrete, stone, tile, or other similar material attached to a backing for the purpose of ornamentation, protection or insulation.

Vertical Mixed Use Building: A building that combines different uses in the same building. Residential uses are prohibited on the ground floor.

W

Warehouse and Distribution: The use of a site for the provision of wholesaling, storage, warehouse services, or handling of materials and equipment. The use includes wholesale distributors, storage warehouses, and moving or storage firms.

Wireless Telecommunication Facilities, Building Mounted: Wireless Telecommunication Facilities mounted onto a building.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas or other similar equipment.

Wrecker, Impound Yard: A wrecker service that includes the temporary storage or impoundment of primarily operable or repairable motor vehicles and in which the owner or operator has an active licensed franchise agreement with the City of Cedar Park Police Department for wrecker rotation.

Y

Yard: An open space, on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided.